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ABSTRACT

As a result of 18 months of deliberation on family policy issues pertaining to young children, the American Jewish Committee's Task Force on Family Policy put together this booklet. After an introductory foreword by E. Robert Goodkind, a paper by Steven Bayme, called "Current Debates and Challenges," outlines the range of issues underlying family policy and provides the relevant arguments for and against particular policy options and directions. Topics discussed include: current trends in the American family, the family policy debate, policy options, and the Jewish community. A second paper, "Classical Teachings and Historic Experience," by David Biale with the assistance of Rachel Biale, surveys Jewish teachings on public and private responsibilities to the family and synthesizes Jewish tradition and modern cultural values. The Biales' paper deals with the following topics: (1) marriage in Jewish tradition; (2) reasons for marriage; (3) extramarital and premarital sex; (4) intermarriage; (5) the social realities of marriage; (6) age at marriage; (7) the structure of the family; (8) divorce; (9) parent-child relations; (10) care of infants; (11) women and work; and (12) the Jewish tradition and the contemporary crisis of the family. The final section contains a statement on parents and children by the American Jewish Committee on Family Policy, and a list of American Jewish Committee Family Policy Task Force members. (SKC)

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THE FAMILY

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SPOTLIGHT ON THE FAMILY

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FOREWORD

There is considerable debate in American society on the question of family policy. Some contrast the absence of a family-supports program in this country with the many initiatives undertaken by European democracies. Others advocate greater enforcement of family responsibility and widespread education concerning family values. Although both camps agree that the family functions as a crucial nurturing and socializing institution, shrill rhetoric on both sides has obstructed meaningful policy deliberation.

At the American Jewish Committee we have long focused on the family as a vital issue on which we have had a tangible impact both nationally and in the Jewish community. Both our interests and our moral imperatives bid us to contribute to the ongoing policy debate. As Americans and as Jews, we maintain that family policy ought to reflect our core social values and our belief that family is central to Jewish continuity and communal vitality.

Over a period of 18 months, the American Jewish Committee's Task Force on Family Policy carefully considered the issues involved, particularly as they relate to parents and young children. We held hearings and solicited testimony from experts in Boston, Cleveland, Atlanta and San Francisco, on such topics as child care, parental leave, divorce settlement procedures and teenage pregnancy. We weighed the implications of these concerns both for the Jewish community and for the general society. At our final meeting, in New York City, we agreed upon a draft statement for consideration by AJC chapters and subsequently by the AJC's National Executive Council. Such an open and deliberate process ensured that we would hear from all parties to the debate and from all sectors with the organization concerned with family as a vital issue.

Two papers, included in this publication, further enhanced our deliberations. Steven Bayme, director of the AJC's Jewish Communal Affairs Department, who staffed the Task Force, outlines the range of issues underlying family policy and provides the relevant arguments for and against particular policy options and directions. We also commissioned David and Rachel Biale, two scholars of Jewish thought and law, to survey Jewish teachings on public and private responsibilities to the family, in order to assist us in assessing the relevance of Jewish family values for contemporary policy discussion. Underscoring how Jewish tradition closely linked family and community, their study enabled us to formulate our unique contribution to the overall debate through a distinctive synthesis of Jewish tradition and modern cultural values.

The AJC's Family Policy Statement, reproduced in the pamphlet, articulates the major theme, "Helping parents to be parents." It stresses that primary responsibility for the welfare of the family begins at home, but that society must adopt a variety of measures to enable parents to avail themselves of those options that best meet their particular family needs. This theme is especially apt for modern-day parental conflicts over balancing work and family. As the dual-earner family becomes increasingly the norm for American couples, the private and public sectors, as well as employers and employees, will need to join in searching for avenues to maximize economic productivity and reduce parents' anxiety for the welfare and care of their young children.

We challenge the Jewish community to review its programs and policies in terms of the needs of today's Jewish families. Jewish community concern with the well-being of Jewish families provides the opportunity to enhance the Jewish identity of the home. For many years, the William Petschek National Jewish Family Center's operating hypothesis has been that family and Jewish identity enjoy a symbiotic relationship -- that Judaism enriches family life and that strong families ensure Jewish continuity. The AJC's Policy Statement outlines specific avenues the Jewish community can pursue to reach these goals.

The statement serves as "enabling legislation" to facilitate the AJC's capacity to enter the family policy debate. As this issue becomes increasingly prominent on the legislative scene both nationally and in state capitals, it is our intention to stimulate policy advocacy through the materials and ideas provided here. The document "enables" the William Petschek National Jewish Family Center, which has often served as an esteemed resource and central address for information about the Jewish family, to become an active advocate for alternative policies and programming within the Jewish community. In areas such as singles, family-life education, Jewish day care and intermarriage, the statement provides guidance for even more aggressive programming by the Jewish community to meet the needs of today's Jewish families.

Finally, we underscore the uniqueness of this document and the process that brought it into being. A basic principle of the William Petschek National Jewish Family Center is that one cannot address the health of the Jewish family without considering the state of the family generally. The Policy Statement permits us to speak about the family as American Jews emphasizing the unique synthesis of Jewish tradition and modern values that is at the heart of contemporary Jewish identity. It is our hope that the document will prove productive in dialogue with legislative groups, with other religious and ethnic groups, and within the Jewish community.

-- **E. Robert Goodkind**, Chair
Task Force on Family Policy

CURRENT DEBATES AND CHALLENGES

Steven Bayme
Director, Jewish Communal Affairs Department
The American Jewish Committee

Debate over family policy in America is entering a critical stage. Liberals and conservatives alike proclaim the centrality of the family in society but differ over the policy implications of that fact. Eager to become identified with pro-family politics, political leaders are developing proposals for governmental initiatives. New York's Senator Daniel Patrick Moynihan argues that social policy has succeeded in addressing the condition of the elderly but has neglected the nation's children. President Reagan's White House Study Group on the Family recently released a comprehensive report with many important proposals.

Political figures, however, are by no means the only players in this policy debate. Sociologists and social theorists are debating the respective roles of the public and private sectors in the formulation of social policy, questioning the degree of responsibility of government and of the individual for the social welfare. For example, in the area of family policy, some have been advocating support programs to enable men and women to combine jobs and parenting. Is this a private-sector responsibility, a public-sector responsibility, or a responsibility shared by all the parties?

Three major changes in American society determine the terms of this debate: the movement of women into the work force, the rise of divorce rates, and the growth of single-parent families, due not only to divorce but to the increase of births out of wedlock. These changes, in turn, have spurred discussion about the types of policies that might assist working parents in raising children, improve the economic and psychological well-being of the single-parent family, and reduce teen pregnancy. Such questions have no easy answers. This background paper will try to define the various issues and analyze policy proposals currently under discussion. The American Jewish Committee's Task Force on Family Policy will then attempt to articulate goals and criteria for family policy.

CURRENT TRENDS IN THE AMERICAN FAMILY

The American family today evidences both continuity and change. One of the constants

in American life is the popularity of marriage itself. According to the U.S. Census, 93.8 percent of men aged 25-54 and 95.4 percent of women aged 25-54 in 1984 had been married at least once. Some 80 percent of divorced men and 70 percent of divorced women remarry within five years of their divorces.[1]

Young Americans are definitely pro-marriage. Of young women interviewed in 1980, 90 percent intended ultimately to marry.[2] Two-thirds of college students polled the same year agreed that getting married and raising a family were "essential" or "very important" objectives in their lives.[3] Jewish students were particularly definite in their convictions concerning marriage. Three-quarters of Jewish students polled in 1982 reported their intention to marry, while only 3 percent had ruled out marriage.[4]

To be sure, in recent years some women have been experiencing what demographers call "the marriage squeeze." During the baby boom years (1946-56) the number of births rose every year. Since women generally marry men somewhat older than themselves, women born in the later years of the baby boom have experienced a shortfall of eligible mates. Nonetheless, demographers predict that ultimately over 80 percent of women born in the baby boom years will marry.[5]

Although marriage remains popular, young people are postponing it. Between 1960 and 1982, the median age at first marriage rose from 22.8 years to 24.1 for men, from 20.3 years to 22.3 for women. In 1960, only 28.4 percent of women aged 20-24 had never been married; by 1984 the percentage was 56.9. Similarly for men: in 1960, 53.1 percent of males aged 20-24 had never been married; by 1984, 74.8 percent.

Generally, later marriages are more common among those with higher education and upper-middle-class status, characteristics especially relevant among American Jews. In the 1960s, 79 percent of Protestants aged 18-24 were married. By the 1970s, the rate for that group had dropped to 50 percent. (Nevertheless, among Protestants aged 35-44 well over 90 percent were married.) Among Jews aged 18-24, 45 percent of those studied in the 1960s had been married, but only 25 percent of those responding in the 1970s reported marriage. (Again, over 90 percent of Jews aged 35-44 in the 1970s had been or were married.)[6]

The postponement of marriage is probably partly responsible for the decline in the U.S. birthrate. According to the U.S. Census, the fertility rate of American women in 1982 was 1.8 children, well below the replacement level of 2.1. Nevertheless, rates of childlessness are declining. Demographers predict that 15.5 percent of women born 1956-60 will remain childless, down from 18 percent of to those born 1951-55.[7] Americans are delaying marriage and having fewer children, but they are continuing to marry and to have at least one child.

While most Americans today uphold marriage and child rearing as desirable norms, they also respect the personal choices of those who do not regard these norms as desirable for themselves. As growing numbers of Americans remain single for longer periods, diverse patterns of living arrangements have become more noticeable. This diversity has been accompanied attitudinally by growing acceptance of the individual choices people make as preferable for themselves within an overall context in which over 90 percent of the population marry at some point in their lives.

How to explain Americans' continuing commitment to the institution of the family? Mary Jo Bane, a feminist scholar and policy analyst, argues that Americans perceive the family as the best setting for rearing children and sharing adult affection.[8] Christopher

Lasch, a liberal social theorist, calls the family a "haven in a heartless world," a difficult achievement made possible only by intense personal commitment.[9] Similarly, sociologist Brigitte Berger argues that families, along with churches, ethnic groups, neighborhoods, and voluntary associations, serve as mediating structures between ourselves and the larger society, nurturing us beyond self into community in a context of love and care for others.[10]

Although the family persists, it is undergoing significant changes. The most important is the movement of mothers out of the home and into the work force. In 1985, 53.4 percent of married women with children under age six were in the labor force. That percentage increased to 67.8 for married women with children in school (ages 6-17).

The reasons for this large-scale entry of mothers into the labor force are varied. Three-quarters of today's working mothers say they would work even if they did not need the money.[11] Some work to enhance their feelings of self-worth and to fulfill their desire for public involvement. Still others fear the possibility of family breakup and wish to establish incomes independent of their husbands.

But most mothers work because they must. Real family income has declined since 1973, when median family income peaked at $28,167 (in 1984 dollars). In 1984 the median family income (again measured in 1984 dollars) was only $26,433. Two incomes enable moderate wage earners to maintain reasonable living standards.

Another change in the American family is the frequency of divorce. Between 1960 and 1982, the number of divorces per 1,000 population increased from 2.2 to 5.0. In absolute terms, the number of divorces annually tripled between 1960 and 1982, rising from 0.4 million to 1.2 million. Couples marrying today face an even chance of divorcing at some point during their lives together.

The impact of divorce is particularly severe on children and women. Sixty percent of divorces involve at least one child. Each year a million children undergo the trauma of family breakup.[12] Children of divorce have lower achievement rates, and are more likely to drop out of school, than children in intact families. For women, divorce often entails severe economic hardship. Within a year of divorce, living standards for women drop on the average by 73 percent, while those of men rise by 42 percent.[13] Three-quarters of divorced fathers fail to comply with court-ordered child-support payments.

The trends documented above for the general society characterize the Jewish community as well. Although Jews are strongly familial, Jewish families are generally small. Jewish women, often well educated, are likely to enter the work force prior to marriage and to remain there during their childbearing years.

Moreover, Jewish divorce rates are rising. Jews continue to divorce only about half as frequently as do Protestants and two-thirds as frequently as do Catholics. However, the divorce rate is higher among young couples than among old. For instance, 8 percent of Jews over age 65 have been divorced, but 10 percent of those aged 35-44. As the younger cohort ages, more divorces will likely occur. The evidence points to a growing population of Jewish single parents experiencing many of the difficulties outlined above.[14]

Adding to the economic pressures experienced by most families, and particularly by broken families, are the costs of leading an institutionally affiliated Jewish life. One study estimates that an intensively involved and affiliated Jewish life is available for only the 25

percent of American Jewish families that had incomes in 1983 over $54,000.[15] That figure assumes a family with two children. For a family with three children, who attend a Jewish day school, a family income of $65,000 may be inadequate.

A major societal change that impacts on the American family is the growing number of unwed mothers, many of them adolescents. Once a taboo subject, adolescent pregnancy has recently received considerable public attention. The statistics are appalling. In 1982 there were in America 715,200 live births to unwed women (up from 224,300 in 1960), of which 37.6 percent (down from 40.9 percent in 1960) were to teenagers.

Although teenage pregnancy is rising among whites, it is more prevalent in the Black community. The birthrate among Black teenagers is approximately double that among white teenagers. One of every four Black mothers is an unwed teenager, and a third of these go on to have a second child while still a teenager. In Harlem, New York City, a third of all 1985 births occurred to single teenagers. As the Children's Defense Fund put it, "Marriage is now an almost forgotten institution among Black teens."[16]

In 1965 Daniel Patrick Moynihan, then a presidential aide working on Great Society legislation, argued that family breakup, particularly in the ghettos, created and sustained permanent poverty. As Moynihan currently notes, his arguments at that time failed to stimulate meaningful policy initiatives.[17] In light of the growing crisis within the Black family, however, Black leaders themselves have begun to raise the issues Moynihan cited two decades ago. At a Black Summit Conference on the Family in 1984, Eleanor Holmes Norton noted, "In entire sections of black communities there is not only family breakup but the failure to form families at all. In whole sections of the black community children are being raised exclusively by very young mothers without male role models."[18]

Debate over the phenomenon of teenage pregnancy has been intense. Historian Edward Shorter ascribes it to the sexual revolution coupled with teenage naivete about contraception.[19] This, however, does not explain why unwed black teenagers have babies at twice the rate of their white contemporaries. Charles Murray sees the cause in welfare benefits -- it pays to have children out of wedlock. Aside from the fact that it is difficult to imagine teenagers calculating the economic benefits of having a baby before becoming pregnant, the evidence simply does not sustain Murray's thesis. States and counties that offer higher benefits do not suffer from higher rates of teen pregnancy than do localities with lower benefits.[20]

Recently, policy analysts have suggested that it is the culture and the climate of the ghetto that causes teen pregnancy. Observers emphasize the strength of the childbearing imperative within the Black family. For young women, it is the ultimate proof of womanhood. For a young man, siring a child can be proof of one's manhood. Moreover, ghetto culture offers few alternatives to "babies having babies." Stable two-parent families move out of the ghetto, leaving it bereft of role models who have completed their education, hold productive jobs, and have successful marriages. If one sees little future for oneself in white America, having a baby becomes at least one source of fulfillment and self-esteem.[21]

Whatever the causes, the consequences of teenage pregnancy are catastrophic. Many teenage mothers and their babies suffer from poor health. Two-thirds of teenage mothers drop out of school; their earnings at best eventually approach half of those of women who wait to age 20 before bearing their first child. Half the women currently on welfare are or were unwed teenage mothers. Finally, children born to teenagers achieve academically and economically at rates below those born to adults.[22]

THE FAMILY POLICY DEBATE

What is family policy? Sheila Kamerman and Alfred Kahn define family policy as both public- and private-sector programs that affect directly or indirectly the quality of family life.[23] For instance, governmental subventions to large families is an example of a policy designed to raise the national birthrate. Similarly, if the Jewish community in its private-sector capacity initiates a program of outreach to single-parent families, that too would be an example of family policy.

However, there are many public- and private-sector programs that were designed to attain other social goals but that impact as well upon the family. For example, welfare legislation is designed primarily to provide relief for the poor. But it often contains incentives for or against marriage and family formation. The same is true of private-sector policies. One of the recommendations of the 1980 White House Conference on Families was creation of a Family Impact Seminar to assess the direct and indirect effects of governmental legislation upon family life.

Europe and America present contrasting models of family policy. European democracies tend toward more activist governmental involvement. These countries have developed extensive systems of family supports that include parental leaves, child allowances, and subsidized day care. Americans, on the other hand, generally dislike direct governmental intervention in the private sector, criticizing the European models as socialist or pronatalist. They prefer indirect efforts to enhance family life. For instance, the American tax code contains many provisions affecting families, such as the personal exemption and the dependent-care credit.

Currently, some American students of the family argue that societal changes necessitate interventionist policy measures such as family-support programs. Others argue that family policy ought to consist simply of doing nothing to undermine the family. The lines in this debate are not rigid. For example, Michael Levin, who generally desires minimal governmental intervention, acknowledges societal responsibility for the family and supports broadening certain governmental initiatives -- for example, raising the personal exemption for taxpayers. Similarly, Senator Moynihan, who urges a more activist policy, urges that government intervene only as a last resort. Initiatives to strengthen the family, in Moynihan's view, ought to come first from the family itself, then the neighborhood and local community, and only finally from the larger society.

A word should be added regarding the Jewish interest in the family-policy debate. For Jews, the family remains the primary vehicle for transmitting Jewish identity and ensuring Jewish continuity. Jewish religion is intimately related to family life. Programs and policies that affect families not only touch Jews as members of the larger society but relate to the question of Jewish continuity in America.

POLICY OPTIONS

Day Care

A major concern of working parents is child care. The demand for day care easily exceeds the available supply. Two million children are currently enrolled in licensed day-care

programs. An additional 5 million are enrolled in preschool programs. One can only guess at the number using unlicensed day care. Of 6 million employers, only 1,850 provide any form of child-care assistance. Twenty-three percent of working parents report that they regularly leave their children alone at home.[24]

Other countries have long experimented with day care. Israel, for instance, has sponsored a large network of preschools which in 1973 enrolled 80 percent of three-year-olds and 90 percent of four-year-olds. Fees are conditioned to the mothers' monthly income, indicating that these facilities exist primarily to assist mothers at work. European countries too have provided extensive governmental supports for day care.[25]

In contrast, day care in America has remained largely outside of the public sector. In 1971 President Nixon vetoed a bill authorizing $2 billion for day care lest it encourage "social parenting." Nixon felt that day care was acceptable for the poor, but that it was "unacceptable to encourage or support middle-class mothers who leave the home." Middle-class women, however, have joined the work force in large numbers, raising the policy question of who will care for their small children.[26]

To be sure, some initiatives have been taking place in this country. New York City plans to introduce free all-day nurseries for four-year-olds. San Francisco recently adopted an ordinance mandating that developers of office buildings of 50,000 or more square feet either build an on-site day-care center or contribute one dollar per square foot to a child-care fund.[27]

The federal government's major investment in day care to date is through the dependent-care credit, which credits a portion of one's child-care costs to one's income taxes. This credit is nonrefundable and therefore of no benefit to low-income people who are not on the tax rolls, but for middle-and upper-income taxpayers it can reduce day-care costs by 20-30 percent. The government also permits employers to reduce salaries of employees who require day-care services and use the funds to pay the child-care costs -- in effect, making the child-care costs tax-deductible. It is unclear how many employers actually permit this. Representative Nancy Johnson (R-Conn.), sponsor of the 1986 Child Care Act, proposes vouchers for the working poor (those who earn up to 200 percent of the poverty level) to enable them to obtain free daycare. To pay for the vouchers, Johnson's bill would phase out the dependent-care credit for families earning over $50,000 annually.

Sylvia Hewlett, an economist and author, argues for government-subsidized day care in her recent book, *A Lesser Life.* She contrasts the incompleteness of American day-care arrangements with those of France and Sweden, and advocates a national family policy combining both private- and public-sector initiatives to increase the quality and quantity of available day care. Her recommendations follow closely those of the Economic Policy Council of the United Nations Association, which call for free and voluntary preschool for children aged three to five, use of school facilities for after-school programs, broadening the dependent-care credit and making it refundable, and encouraging labor unions, community groups and corporations to develop child-care services.[28]

Increased day care, however, is by no means everyone's favorite solution. Experts disagree over the effects of day care on children. Day-care advocates claim that children develop social and learning skills earlier and better in the day-care center. Carolee Howes of UCLA's Graduate School of Education, for example, notes: "Studies show that kids in day care develop better social skills earlier, they form friendships earlier, and they seem to be more cooperative.

In lower-income, poorly educated families, the kids have higher IQ's as a result of being in day care." Burton White, director of Boston's Center for Parent Education, however, disagrees. He argues that there is no real affection in the day-care center and that children require the genuine love that only a parent can provide. White also observes that children's diseases are especially communicable in the day-care center. Moreover, personnel turnover in day-care centers is high. Children thus miss the stable and permanent presence of significant adults. The cause of personnel turnover is readily apparent -- 87 percent of child-care workers earn below the minimum wage, and 94 percent earn below the official poverty line. Child psychologist Lee Salk best expresses the opposition to increased day care: "Children under the age of three are not ready for organized group experience... They need one-on-one interaction with the significant people in their lives. If they don't get such interaction, it will have negative consequences for the youngsters later on."[29]

Other objections to day care focus on its economic costs. Michael Levin estimates the cost of a national day-care program in America at $90 billion.[30] Day-care advocates agree that the cost would be considerable, leaving open questions about how it would be funded.

Finally, some writers oppose governmental day care as unwarranted intervention in private decision making. Robert Samuelson, an economist writing in *Newsweek*, argues that individuals will have to grope with the changes currently taking place. Government should not seek to influence their choices. For instance, Samuelson argues, governmentally supported day care would favor working women over those who opt to stay at home and rear small children. The choice of work, parenting, or both is a personal one, which, in Samuelson's view, government should not seek to influence. Moreover, he maintains, since there is no national consensus regarding parental roles, government should not support those who work rather than those who stay at home. "The agonizing choices that many Americans are now making for themselves and their children involve private, not public responsibilities," Samuelson concludes. "Family policy belongs at home." [31]

Mary Jo Bane urges caution in this area. She acknowledges the dangers of children being cared for by those for whom it is a tedious job but notes that thus far the trend has been to place young children in preschools rather than infant-care centers. The preschools enable parents to work and thereby serve the same needs as do day-care centers. However, the emphasis within the preschool program is on early learning and socialization, and they do not service infants under age three. Most of the controversy concerning the desirability of day care relates to infant care, Bane concludes, but most experts agree that early-learning programs for children over three both benefit the child's development and facilitate parents' working arrangements. [32]

The policy debate concerning day care continues. Day-care proponents argue that more and better day care is a necessity for today's families, and that America must develop more facilities through a partnership of private and public sectors. Opponents question the desirability of day care, its cost, and the propriety of government favoring working parents over those who stay home to rear small children.

Other Family Supports

As noted earlier, Western European democracies have experimented extensively with family-support systems. They generally have national health plans covering pregnancies and births. Over a quarter of American women have no similar health coverage. Many European

countries have instituted paid maternity leaves, child allowances to assist in the cost of child rearing, and subsidized day care. France, for instance, hoped to stimulate a higher birthrate. Sweden, attempting to legislate total gender equality in a comprehensive welfare state, provides a nine-month parental leave after childbirth at 90 percent wage replacement and complete job protection. Italy has instituted paid leave to care for a sick child under age three and two years credit toward seniority for women who take time off from employment after childbirth. No country has been fully successful in attaining its family-policy goals. In Sweden, for instance, marriage and fertility have declined. Critics of the European welfare states point to their high taxes and low productivity. Some critics acknowledge, however, that family policies there are more sharply focused on aid to working parents.[33]

One initiative currently under discussion in the United States is parental leave. Only 40 percent of American working women have job-protected maternity leaves. The 1978 Pregnancy Disability Amendments required employers to treat pregnancy as any other disability, but only five states have mandatory disability insurance. The 1986 Family and Medical Leave Act, sponsored by Rep. Patricia Schroeder (D-Md.) with considerable bipartisan support, mandates an 18-week parental leave after birth, but the U.S. Chamber of Commerce opposes it as favoring one group of employees over another. Some oppose maternity leaves as special treatment for women that would undermine claims to gender equality. Hewlett and others argue that, since only women become pregnant, they require special consideration. The proposed bill would make leaves available to either parent. Its supporters hope that leaves would provide women with continuous employment. Moreover, they argue that passage of the legislation would signal governmental recognition of the dual role of citizens as workers and parents.[34]

Hewlett and the Economic Policy Council urge other strategies for employers of new parents. A gradual return to work for parents of newborn children, or part-time employment accompanied by job sharing, would ease, in their view, the balancing of work and family. Employers may wish to reassess traditional career paths for parents of small children or offer flexible hours permitting them to work at home. Flexible benefit packages, already available in some large companies, would permit employees to structure their benefits to fit particular circumstances. Some advocates claim that flexible benefits of this kind would enhance staff morale and lead to greater productivity. They would heal the split between work and family from which, according to sociologist Robert Bellah, Americans suffer. And they would confirm the value society places upon parenting.[35] Opponents consider these measures unwarranted interference in the workplace and family life.

Single Parents

The single mother today is the clearest example of the growing "feminization of poverty." Indeed, poverty within the single-parent family may well be our most pressing social problem. To aid the impoverished single-parent family, many European countries provide a government-guaranteed minimum child-support payment and then seek to collect it from the father. The British government proposed a child allowance for the single-parent family, but it was rejected as too costly and as possibly constituting a disincentive to remarrying.

In America, Senator Moynihan now proposes compelling the father to provide support by withholding his wages if necessary. Such a measure would, of course, affect only the 59 percent of women who are in fact awarded child-care payments.[36]

New research points to the possible roles of grandparents in stabilizing families. People

are living longer and therefore have the potential for playing significant roles in their extended families well into old age. It should be recalled, in this connection, that the extended family was often the norm in premodern societies. Recent research identifies grandparents as "wardens of culture" and watchdogs of family stability. Using the resources of extended families, specially grandparents, may help accomplish some of the goals of family policy in this area.[37]

Adolescent Pregnancy

No shortage of policy proposals exists in the area of teenage pregnancy. However, there is no consensus regarding policy direction.

One approach argues for better sex education on the ground that teenagers often have inadequate knowledge about their bodies and conception. But should sex education be limited to dispensing information about avoiding pregnancy or should it also advocate the values of marriage and responsible parenting? Many who approve of these values fear that teaching them would open the doors to the teaching of religious doctrines in the public schools. Others argue that instruction in birth control without values-based sex education would only increase teenage promiscuity.

A second approach is to deny welfare benefits to teenagers who become pregnant. Charles Murray, for instance, extols the "natural state" in which no governmental benefits existed and in which few children bore children. To be sure, Murray acknowledges that such a radical solution is politically unfeasible. He uses it as an example to illustrate his basic thesis of "losing ground," namely, that well-intentioned cash expenditures have only aggravated American poverty.

Mickey Kaus, from a different perspective, propounds the "work ethic." Kaus argues that only the work ethic can break the destructive culture of the ghetto. He urges a guaranteed job for every able-bodied adult, including teen mothers. This would be coupled with free day care for those who require it, and with elimination of all cash welfare benefits for single mothers. Kaus entertains the possibility of an exemption for women with children under two years of age, again reflecting societal ambivalence about infant day care. His proposals are aimed to transform the welfare ethos into a work ethos.[38]

Some Black leaders have also suggested programs that speak to this issue. A 1984 Black Summit Conference on the Family called for Black self-help with appropriate Black role models for teenagers. Black leaders have also advocated increasing the self-esteem of teenagers by involving them directly in community programs. Finally, they have urged greater emphasis within the Black community on the values of family responsibility.[39]

Other Black leaders defend existing welfare programs as necessary to the survival of the teenage mother and her child. Generally they advocate broader-based sex education but oppose any changes in the welfare system that would decrease cash payments.

Tax Issues

The tax code is replete with provisions that affect families. For instance, the "Head of Household" tax table acknowledges that those with family responsibilities should pay less taxes than singles living alone. Conversely, the "marriage tax," although significantly reduced

since 1981, continues to penalize people who marry rather than live together unmarried.

The Tax Reform Act of 1986 has made radical changes in the way Americans pay their taxes, but it is too early to discuss its impact on families. However, certain features of the tax system, preserved by the new act, significantly affect families.

By far the most important provision in the tax code pertaining to families is the size of the personal exemption. In 1948 this exemption was fixed at $600 per person, reflecting what was then considered a reasonable cost of raising a child. Since 1948 the value of that exemption has steadily eroded. Had it been indexed to the Consumer Price Index, it would have reached $2,589 by 1984. Even more tellingly, had it been indexed to income growth, by 1984 it would have stood at $5,600.[40]

The personal exemption no longer reflects the actual cost of raising a family. Under the Tax Reform Act, the exemption will rise to $2,000 by 1989, a significant increase over the 1986 exemption of $1,080.

Some family advocates suggest acknowledging the special needs of families with young children by increasing the personal exemption for dependents. Allan Carlson, for instance, suggests doubling the exemption to $4,000 in order to accomplish a variety of goals: to signal the value society places upon childbearing, to provide funds for families to choose their desired form of child care, and to serve as the American equivalent of the child allowances that have proven so popular in Europe. Such a measure would most vitally affect young couples in the early years of marriage and childbearing and might be gradually reduced or eliminated as dependents grow older.[41] Critics note the cost of such measures, as well as the general reluctance to use tax policy to achieve social-policy objectives.

THE JEWISH COMMUNITY

Societal changes have affected the Jewish family as they have others. Judaism, however, provides a significant buffer to the forces eroding the American family. Strong Jewish commitments, it has been shown, cement marriage and lessen the chances of divorce.[42] The Jewish community can do much to strengthen Jewish families by encouraging education in the religious tradition. Special communal programs and family-education seminars might well demonstrate to young Jewish couples how involvement in the Jewish heritage enhances the quality of family life. Such programs would also help transmit Jewish identity within the family and ensure Jewish continuity. Outreach programs specifically tailored to the needs of singles and single parents could serve the same ends for those living in alternative family settings.

Jewish day care is another means of enhancing Jewish identity within the family. Opportunities for Jewish early-childhood education might be maximized. Similarly, the growing population of latchkey children has created the demand for after-school programs under Jewish auspices, affording additional opportunities to create Jewishly identified individuals.[43] For infants, the Jewish community might experiment with intergenerational programs, training its growing senior-citizen population to serve as baby-sitters and adopted grandparents. Such programs might be especially effective in bringing single parents and their children into the organized Jewish community. Moreover, the Jewish community might take an active part in advocating greater availability and upgrading of part-time jobs, flexible hours and job sharing, so that

parents would be able to combine work and child-care responsibilities.

Finally, the Jewish community might consider ways of reducing the financial barriers to active participation in Jewish communal life. To be sure, each Jewish family will have to choose to what extent Jewish involvement takes precedence over other family priorities. In some cases, however, the financial resources necessary for communal involvement are simply not there. For instance, the growing population of Jewish single parents generally cannot afford the cost of institutional affiliations, even though such affiliations would be particularly beneficial for broken families.[44]

CONCLUSION

The above discussion highlights the complexity of family policy discussion. No "quick fix" is available because of the difficult nature of the problems under review. The following questions, however, suggest focus for discussion in an effort to establish overall policy criteria and specific program recommendations.

General Questions

1. What fundamental objectives do we wish for family policy?

2. To what types of family issues would it be most productive for policy to be targeted, if any?

3. What should be the respective roles of the public and private sectors with respect to family policy? Are there attractive positions between policies that necessitate increased governmental involvement and policies that require minimal governmental intervention? Are these perspectives mutually exclusive or can they be reconciled?

4. What policy criteria may be used to evaluate programmatic initiatives?

Specific Questions

1. Given the continuing controversy regarding day care, what is the appropriate direction for policy initiatives?

2. What effects would changes in the workplace have on family life and economic productivity?

3. In the area of teenage pregnancy, what proposals might be most effective in terms both of prevention and intervention? Is sex education desirable and, if so, should it be value-free or should it seek to influence moral choices? What about economic supports and programs that aim to increase teenagers' self-esteem?

4. What types of funding levels and increased expenditures are we prepared to advocate for family-policy initiatives? Can we undertake significant initiatives in revenue-neutral ways?

5. What policies might be effective in addressing the growing feminization of poverty?

6. What value choices underline Jewish communal policy? What types of Jewish families ought be the target population for policy? How may we reach out to those who now feel excluded from Jewish communal life?

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CLASSICAL TEACHINGS AND HISTORICAL EXPERIENCE

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INTRODUCTION

Jews today consider the family as a primary transmitter of their religious and cultural tradition and a major bulwark against assimilation. This view typically extends to the past as well: the family is perceived as one of the few stable and enduring elements in the tumultuous insecurity of Jewish history; without it, Jewish survival would have been far more problematic and difficult. The common image of the historical Jewish family also corresponds closely to contemporary concepts of the ideal bourgeois nuclear family; in this view, the Jews had a "modern" family structure long before the modern family emerged in Europe in the 18th and 19th centuries.

Small wonder, then, that American Jews have been particularly concerned about the general crisis in family life in this country. Although the rate of divorce among Jews is less than half the Protestant rate, Jews have scarcely escaped the family upheavals that have become so widespread in recent decades.[1] Like all other Americans, Jews have been profoundly affected by changing attitudes toward marriage, alternatives to marriage, divorce, new roles and relationships for men and women in the family, having and raising children, and the sharply increased presence of young marriedwomen in the work force. All these revolutionary developments pose serious challenges to traditional Jewish concepts regarding the family -- challenges important both for Jewish belief systems and for the practical policy decisions facing Jewish communal agencies.

This paper will attempt to put these contemporary developments into historical perspective by examining their lengthy transition from tradition to modernity. The breakdown of family patterns and values in the last 100 to 200 years produced numerous changes in family life. Couples tended to marry at a later age than in earlier generations, for example, and their reasons for marrying were more likely to stem from their own emotions than from parental decisions. The number of children they had was almost certain to be smaller, the wife was more likely to stay at home than to enter the work force, and marriages were more likely to end in divorce.

These trends, characteristic of the "bourgeois" family -- and to some degree the modern family -- are not necessarily false for all families of medieval and ancient times. In recent years, historians of the European family have suggested that the transition from premodern patterns to the modern bourgeois family was not as abrupt as had previously been assumed.[2] Not all earlier families were "extended" as opposed to "nuclear." Nor were all earlier marriages based solely on practical, as opposed to emotional, considerations.

In Jewish history, too, the distinctions between "traditional" and "modern" families may not be as sharp as we tend to believe. The Jewish family of earlier times did not always correspond to our idealized image of a stable, nuclear family and, in many respects, the crisis of the family of the last few decades is not entirely new. Conflicts between communal values and individual desires, intermarriage, and the difficulties posed by single parenthood, divorce, and women working outside the home were all problems addressed by the historical tradition.

The following pages will provide examples from Jewish history that mirror concerns confronting Jewish families today, describing both normative values of the period and how those norms were actually lived. We will not look at every period of Jewish history, nor will we attempt to explain all the transformations in family life over the centuries. But we will try to show the considerable range of possibilities that existed within the normative tradition. Since the values and norms of most of Jewish history come from the writings of the rabbis during the first 500 years of the common era, only occasional references to family life in biblical times are relevant here.

MARRIAGE IN JEWISH TRADITION

Marriage is a universal norm for Jews, and Jewish tradition places no value on celibacy. The only case of celibacy cited in the Talmud is that of the second-century rabbi, Ben Azzai, who declared "my soul is in love with the Torah," but his example was rejected by the rabbis and was rarely regarded as a model for the behavior of others.[3] Celibacy was evidently practiced by some of the Essene groups in late Second Temple times, but their practices had more of an impact on early Christianity than on normative Judaism.

The term used by the rabbis for marriage, *kiddushin* ("sanctification") suggests that Judaism regards marriage as a sacrament. Indeed, it is considered such a blessed state that when a man marries, his sins are said to be erased. The Talmud repeatedly celebrates the virtues of marriage:

> Any man who has no wife lives without joy, without blessing and without goodness.... R. Eleazar said, "Any man who has no wife is no proper man; for it is said, 'Male and female created He them and called their name Adam' (Genesis 5:2)."[4]

The 13th-century mystics or Kabbalists considered God to have both male and female dimensions. When human beings marry and join sexually, they mystically unite these aspects of God and cause harmony in the cosmos.[5]

Although no value was placed on remaining single and the rate of marriage among Jews was always high, it would be wrong to assume that marriage was universal. Because of its

centrality in Jewish life, marriage carried with it large financial implications, both for the bride who was required to bring in a dowry and for the husband who was obliged to support her. For poor Jews, therefore, marriage might be exceedingly difficult, if not entirely out of reach. In addition, in many periods, the Jewish communities were very small and there were few eligible mates close at hand. Moreover, in some 18th-century Central European countries, governments imposed various numerical and financial restrictions on Jewish marriages, making it impossible for those unable to meet them to marry.

It is hard to estimate how many Jews who could have married chose to remain single, despite the normative values to the contrary. Notwithstanding the religious requirement that men marry by age 20, few rabbinic courts enforced this regulation. The rabbis recognized that while it might be legitimate to *prevent* unacceptable marriages, it was quite another matter to force people who did not wish to marry to do so.[6] It is likely, therefore, that some men in every generation chose not to marry, as the cases discovered by S.D. Goitein from the Cairo Geniza (ca. 10th to 13th centuries) attest.[7]

From time to time, there were also Jewish women who preferred to remain single. In the early 12th century, an intensely religious woman in Baghdad refused to marry on the grounds that marriage would interfere with her spiritual concerns. Though communal authorities ultimately forced her to marry, her mystical visions later led to a messianic uprising in 1120.[8] A similar case in 19th-century Russia was that of the famous "Maid of Ludmir," who gathered a circle of Hasidim around her and refused all offers of marriage until a number of leading rabbis persuaded her to change her mind. But cases like these were most unrepresentative.

Homosexuality might also be a motivation for avoiding marriage; but the fact that there are very few rabbinic responsa from the Middle Ages on the subject may indicate that there was little overt homosexuality in the Jewish communities.[9] The Mishnah ruled that men may not sleep together in the same bed, but the Gemara overturned this ruling because it did not believe it might lead to homosexual activity.[10] Joseph Caro, the author of the *Shulhan Arukh*, the authoritative code of Jewish law written in the 16th century, returned to the Mishnah's position, possibly because he feared the influence of homosexual practices in the Mediterranean region where he lived. Several centuries earlier, during the so-called Golden Age of Spanish Jewry, some Spanish Jewish poets made use of homosexual motifs; but these may have been more of a convention than a reflection of reality. If homosexuality was a possibility in the Mediterranean basin, it was apparently less of a temptation in the Ashkenazi or Northern European world: the 17th-century Polish commentator on the *Shulhan Arukh*, Joel Sirkes, rejected Caro's strict position on the grounds that homosexuality simply did not exist in his surroundings. Thus, while there is no clear evidence regarding the influence of homosexuality in Jewish history, it remained largely out of sight and therefore probably had little impact on the rate of marriage.

REASONS FOR MARRIAGE

Why did the Jewish tradition believe that everyone should marry? The texts contain a variety of answers, suggesting a number of tensions in the tradition. On the one hand, procreation is considered one of the primary reasons for marriage, and the rabbis identify the verse in the first chapter of Genesis, "Be fruitful and multiply and fill the earth," as the first commandment in the Torah.[11] Joseph Caro begins the *Shulhan Arukh*'s volume on laws pertaining to family life with the explicit declaration: "Every man is required to marry a wife

in order to procreate."[12]

Although the commandment to procreate and the desire for children are accepted by all Jewish authorities, the rabbis believed that women have a natural desire to procreate (and therefore need not be commanded), while men do not have such an instinctive drive. Thus, the commandment to procreate applies only to men.[13] Women have a *right* to have children, but have no such obligation, while men have the right *because* they have an obligation. Thus, a man is required to divorce his wife after 10 years of marriage if she has failed to bear children. However, few rabbinic courts enforced this commandment, obviously because they were uncomfortable with dissolving happy marriages in order to ensure procreation.

The distinction between men and women with regard to procreation suggests that the rabbis believed some men might choose celibacy if they were not commanded to marry and have children. Indeed, Sa'adiah Gaon, the 10th-century philosopher, hints at just such a view. Although he accepted the commandment to procreate and, in fact, held that it was the only justification for sexual intercourse, he polemicized in his *Book of Beliefs and Opinions* against those who believed that children produce joy and gladness as well as provision for one's old age. Sa'adiah rehearses all of the difficulties in raising children, including the financial burden, the pain and danger of pregnancy, the bereavement if children die, and the worries if they live. "The sole reason why the love of children has been implanted in the hearts of men," he concludes, "is in order that they might hold on to those with whom their Lord has favored them and not lose patience with them..."[14]

Sa'adiah was not alone in this view. In Northern France in the 12th century, the biblical exegete Joseph Bekhor Shor criticized those who are unwilling to have children because of the trouble they cause,[15] and it is possible that the extensive discussions of contraception among the French and German rabbis of the same period were also responses to the desire of some Jews to avoid having large families.[16] Although we cannot be sure what motivated these medieval proponents of a low birthrate, the urbanized and relatively affluent Jews may have reflected the same kinds of values that Jews possess in present-day industrialized, urban societies. Jews who felt negatively about having large families were certainly in the minority; much more widespread was the feeling that one should have children not only because it was commanded. Nonetheless, it is important to recognize that while most Jews eagerly desired children for the joy they bring, there were some dissenting voices as well.

Unlike Caro's view that marriage is primarily an institution for creating families, another tradition emphasizes the importance of companionship and love within marriage. Jacob ben Asher, the 14th-century rabbi whose law code, the *Arba'ah Turim*, was the basis for Caro's *Shulhan Arukh*, starts his discussion of family law with the biblical verse "It is not good for a man to be alone..." and only afterward adds the commandment of procreation. The Talmud provided Jacob ben Asher with considerable precedent for an emotional basis for marriage, since rabbinic literature contains stories that celebrate the love between husband and wife (such as the legend of Rabbi Akiva's wife, who waited for him while he went off to study).[17]

Rabbinic courts were often willing to set aside procreation in favor of companionship. Moses Isserles, writing in 16th-century Poland, claimed that "for several generations" rabbinic courts had not protested when a man married a woman incapable of bearing children (such as barren or postmenopausal women) "because he desired her...."[18] While it is unclear whether "several generations" means a very long time, which would suggest that the medieval courts generally refrained from interfering in nonprocreative marriages, it seems evident that love and the desire for companionship were considered as important as procreation in 16th-century

Poland. We will return to the role of love in Jewish marriage when we consider the conflict between parents and children over marital choices.

The value of companionship over procreation is also demonstrated in the commandment of *onah*, the sexual rights of the woman in marriage.[19] The right of a woman to sexual satisfaction at stated intervals is independent of her ability to have children: a man is required to have sex with his wife even if she is barren, postmenopausal or pregnant. Although no such reciprocal right is stated for men (unlike the Christian "marital debt," which applies to both sexes), a woman could not withhold sex from her husband without risking a divorce, even if he had already fulfilled his procreative duties.

Moses Maimonides (12th century), in good Aristotelian fashion, placed the family at the heart of his political theory. In his *Guide of the Perplexed*, he suggests that the purpose of marriage is to create social bonds, since people who are related tend to help and support each other more than those who are not. Marriage is a public way of establishing these connections. He further implies that all Jews should be seen as one family, "a single tribe that is united through a common ancestor -- even if he is remote -- [and] because of this, [they] love one another, help one another and have pity on one another; and the attainment of these things is the greatest purpose of the Law."[20] Maimonides goes on to argue that failure to observe the strict laws of family purity, such as the prohibition of adultery, dilutes the blood lineages upon which a harmonious society is based: a healthy body politic requires that family lines be known and preserved.

Procreation and companionship are not, of course, contradictory values, and most Jews in earlier times undoubtedly hoped that marriage would fulfill both desires. Yet in contrast to Christian traditions, such as those reflected in St. Augustine, which emphasize procreation as the sole reason for marriage, the independent values of companionship and sexual satisfaction stressed in the Jewish sources have a strongly modern resonance. Whether or not the modern "companionate marriage" existed in premodern Europe remains a subject of contention among historians, but at the very least, the ideal of such a marriage can be found in significant parts of the Jewish tradition.[21]

EXTRAMARITAL AND PREMARITAL SEX

Another recurrent theme in Jewish writings is the belief that marriage prevents sexual license and wayward sexual thoughts. Whether sexuality is seen as positive or negative, the tradition holds that its only legitimate place is within marriage, and that the married state protects a man against sin.[22] This was one reason why Jews favored early marriages -- ideally at the time of puberty.

The normative tradition was therefore hostile to extramarital or premarital sex. Biblical law regarded adultery as one of the most serious sexual offenses, together with incest, and it was to be punished by execution. In postbiblical times, capital punishment became essentially obsolete and the main punishment stipulated by rabbinic law against adulterers was to forbid the adulteress from returning to her husband or continuing her relationship to her lover.[23] This sanction, which undoubtedly acted as a deterrent, also raised serious problems when husband and wife wished to be reconciled, and much of the medieval responsa literature dealing with adultery focuses on this thorny issue. Rabbinic courts might also impose additional

punishments, not specified in the Bible or Talmud, such as flogging for rebelliousness (*malkot mardut*), enforced exile from the community and, in North African communities, public humiliation by shaving the heads of the couple and parading the couple through the streets.[24]

Premarital sex posed an even more serious legal dilemma. Technically, there is no prohibition on sex between unmarried people; such relations could be regarded as a form of "common-law" marriage.[25] As a general rule, the rabbis hold that "a man does not intend an act of intercourse to be promiscuous" -- that is, he intends it for the purpose of establishing a marital bond.[26] However, in practice, the tradition severely opposes any sexual contact between unmarried men and women and labels it *znut* (literally "prostitution," but, in fact, "promiscuity"). It was not unknown for rabbinical courts to break up relationships between unmarried people living together, even though such relationships were perfectly legal according to the *halakhah*.

Another issue that sometimes appears in the literature is that of engaged couples who had sex before they were actually married -- possibly a Jewish version of the custom of "bundling."[27] For instance, Ezekiel Landau, the major rabbinical authority in 18th-century Prague, ruled on a case in which a man stayed regularly at the house of his fiancee until she became pregnant.[28] In the 17th century, Isaiah Horowitz, also of Prague, cautioned:

> Avoid very carefully allowing the bride and the groom to sit together before the wedding, as is the custom in this wicked generation. For not only do they sit together, but he even hugs and kisses her...and I am appalled at the authorities of this generation who tolerate this great iniquity.[29]

A whole structure was erected to prevent contact between both unmarried and married people of the opposite sex, as well as to establish rules of modest behavior if they should meet.[30] These customs varied from community to community and were often influenced by the standards of the non-Jewish environment. Thus, women, both married and unmarried, were much more cloistered in the Islamic world than in the European. Another interesting example of changes in practice is the talmudic prohibition against a man living in the same house as his mother-in-law.[31] Presumably the age gap that often existed between husbands and wives was sometimes wide enough for a woman and her son-in-law to be close in age and, perhaps, sexually attractive to each other. Among Ashkenazi Jews from the Middle Ages until well into the 19th century, it was quite prevalent for a young married man to live with his in-laws. The Ashkenazi Jews may have been comfortable ignoring the talmudic injunction because the boy was likely to be much younger than his mother-in-law.

In Jewish society, as in any other, the values of modesty between the sexes and avoidance of extramarital sexuality were ideals not always fully realized. While there are no statistical data on deviations from sexual norms, the responsa literature from different times and places during the premodern period makes it clear that not all Jews satisfied their sexual desires within the bounds of marriage.

INTERMARRIAGE

Another issue prevalent throughout Jewish history is that of intermarriage and mixed

marriage.[32] Even in the First Temple period, before the practice of conversion to Judaism existed and there were prohibitions on marriage with the other peoples inhabiting the Land of Israel -- as can be found in Deuteronomy 7 -- such marriages nevertheless did take place (Bathsheba, the mother of Solomon, was the wife of Uriah the Hittite, whom King David sent off to be killed in battle).

In the early Second Temple period (fifth century B.C.E.), Ezra the Scribe tried to force those who returned from the Babylonian Exile to divorce their "foreign" wives; it is unclear whether he succeeded. In the Hellenistic and Roman periods, when Jewish proselytism was at his height, marriages between Jews and converts were quite common. While rabbinic law took very strong exception to relations with non-Jews,[33] it generally condoned marriage with converts.

Converts have a somewhat ambiguous martial status in Jewish law. Because they come from non-Jewish genetic stock, they are barred from marrying *kohanim* members of the priestly family line). They may marry other Jews; unlike other Jews, however, they may also marry *mamzerim* (bastards).[34] A convert is considered a child of Abraham and therefore acquires a new genealogy, a fresh start. For this reason, the convert may marry a bastard and legitimize his or her children, which any other Jew cannot do -- thus alleviating an otherwise insoluble legal problem.

After the Roman Empire became Christian, laws were enacted barring Jewish proselytism and marriage between Jews and converts to Judaism. The Theodosian Code of 439 C.E. treats sexual relations between Jews and Christians as a form of adultery, punishable by death. Other laws forbade various forms of socializing between Jews and Christians that might lead to sexual relations. The fact that such bans were repeated in Church decrees century after century may indicate that infractions were frequent. Islamic law also prohibited marriage between Jewish men and Muslim women, although Muslim men were permitted to marry Jewish women.

Jewish authorities, too, took repeated measures against sexual relations with Gentiles. As Salo Baron commented, Jewish "enactments to prevent illicit sex relationships among Jews, or between Gentiles, as well as the record of practices which produced the laws, would... fill a substantial volume."[35]

Most such enactments dealt with relations between Jews and Gentiles who had not converted to the other religion.[36] However, although proselytism by Jews was forbidden in both the Christian and Islamic worlds throughout the Middle Ages, it never entirely disappeared, and some of these conversions were for the purpose of facilitating marriage. It was not uncommon for Jews to convert their Gentile slaves or servants in order to marry them. There were also Jews who converted out of Judaism in order to be able to marry non-Jews.[37] These instances were most frequent in places where Jews and non-Jews mixed freely in social and economic realms, such as Spain and Italy during periods of relative harmony between Jews and their neighbors. Conversely, once ghetto walls went up and Jews and non-Jews developed distinctly segregated lives, as in Germany after the 14th century and Poland after the 17th century, conversion and intermarriage became less common.

One major difference between the Middle Ages and the last 200 years is the institution of civil marriage, which has made possible marriage without conversion -- a situation that most closely resembles biblical times. The waning of Christian ecclesiastical authority has also made it possible for Christians to convert to Judaism without dire sanctions, as many

Gentiles marrying Jews did during the pre-Christian Hellenistic and Roman periods. It may well be that the rate of intermarriage is higher than ever before in Jewish history, but it is worth remembering that this is not the first time Jews have faced population fluidity brought about by social integration and the loosening of marital norms.

THE SOCIAL REALITIES OF MARRIAGE

Marriage as an institution reflects many fundamental values and behaviors of a society, including the relationship of classes to one another and the power of parents and communal authorities in private matters. Jewish law depicts marriage as a contract between two individuals, for companionship or for procreation. It holds that "all families are presumed to be fit," meaning that a Jew could marry any other Jew.[38] However, since traditional Jewish society was rigidly stratified along class lines, social criteria for marriage qualified this theoretical equality. Specifically, lineage, wealth and learning were major criteria for Jewish marriages throughout the ages.[39] These three factors guaranteed an alliance between the wealthy and the scholars within the Jewish community and created a singular Jewish aristocracy. Although this marital system tended to preserve the Jewish elite class, it provided for the upward mobility of a poor but exceptionally gifted boy through marriage with a wealthy girl. (It is interesting to contrast this system with the practice in Christian Europe, where many intellectually talented boys entered the priesthood and therefore did not have children.)

In order for the rigid criteria of lineage, wealth and learning to hold, it was necessary for parents to control the marital choices of their children. To this end, they often employed marriage brokers *(shadkhanim)*.[40] Some of these were professionals whose living was earned from their commissions; others were rabbis and heads of yeshivot who used their good offices to arrange marriages. So integral was the *shadkhan* to the institution of marriage that Moses Mendelssohn, one of the founders of the Jewish Enlightenment in Germany, celebrated his liberation from traditional marriage by remarking, in a letter to his fiancee, that he and his bride did not require such services.[41] In the 19th century, when the East-European disciples of the Jewish Enlightenment attacked traditional Jewish marriage, they frequently ridiculed the *shadkhan*.[42]

The *shadkhan* was also needed because there were relatively few opportunities for boys and girls to meet. In Eastern Europe, prospective mates might meet at the great fairs in Lublin and Lemberg;[43] and since Ashkenazi women often engaged in commerce, this, too, provided some opportunities to meet members of the opposite sex, especially for the lower classes. By the late 17th century in Germany, as Jews began to absorb European culture, wealthy Jews might meet at dances -- a practice the rabbis denounced.[44] Yet even when people met directly, they would still use a *shadkhan* to legitimize their relationships.[45]

From the criticism of Jewish marriage leveled by the *maskilim* (the followers of the 18th- and 19th-century Jewish Enlightenment), it would appear that traditional Jewish marriage was largely a cold and calculated business deal, arranged between the parents with little or no regard for the wishes of the young couple. This critique, which is similar to the portrait some historians have drawn of premodern non-Jewish European marriages, suggests that the reality of Jewish marriage had little to do with the ideal of companionship discussed above.[46] But was this actually the case? Did love play no role in the process of getting married? Were marriages, once contracted, devoid of love, as we today understand the feeling?

There is certainly evidence that marriage was often a business deal or simply an instrument for fulfilling the commandment of procreation. In the world of 18th-century Polish Hasidism, for example, the emotional energies of many of the adherents of the movement appear to have been focused on the male fellowship in the court of the *zaddik* (wonder-working rabbi) rather than on the family. We can only guess how many Hasidim were influenced by the Maggid of Mezeritch, who declared that a man should relate to his wife in the same instrumental way he relates to his horse.[47]

Yet other fragmentary evidence, from other places and times, suggests that love was not absent either from the period before marriage or from the marriage itself -- although it was only deemed legitimate within a rigid set of values and expectations. As mentioned earlier, Isaiah Horowitz, whose *Shnei Luhot ha-Brit* was one of the most revered moralistic tracts of the 17th century, denounced those who allow engaged young people to spend time together since this might lead to sexual contact "as a result of the love that is between them."[48] Horowitz was not opposed to these feelings of love, which he assumed would develop between people already engaged, but rather to the promiscuous sexual behavior that might result from the feelings. In some of the autobiographies of the late 18th and early 19th centuries, we find descriptions of the authors falling in love after they were engaged, sometimes before they actually met their prospective mates.[49] The autobiography of Glueckel of Hameln, written at the beginning of the 18th century, contains moving passages describing the deep affection between Glueckel and her first husband.[50] Such writings suggest that young people of the Jewish elite expected to experience love both during their engagement and after they were married. Yet these feelings were only considered legitimate within the framework of an arranged marriage based on the criteria of lineage, wealth and learning.

As might be expected, some people fell in love despite parental opposition. Usually in such instances, rabbinic authorities sided with the parents. The Talmud discusses the case of a man who "snatched" a woman about to be married to another man.[51] Although the language suggests that the woman was carried off without her consent, it seems more likely that this was an elopement. The rabbis responded by annulling her marriage with the eloper. Similarly, in a case from 18th-century Germany, a servant girl was said to have "seduced" the son of the family for whom she worked and the two were married in secret. Again, the rabbinical court annulled the marriage.[52]

In general, the literature indicates that the attitude toward marriages contracted without social sanction was quite negative, though the tradition recognized that the desires of a couple might conflict with those of the parents and attempted to reconcile or balance the right of parents to filial obedience with the right of children to choose their own mates.[53] The Talmud admonishes parents not to give their children in marriage without their consent, and similar warnings can be found from the Middle Ages. The early 13th- century text, *Sefer Hasidim*, from the Rhineland, cautions parents against giving their children in marriage against their will.[54] The author, Judah the Hasid, believed that men and women were attracted by feelings of love and desire -- ideas he may have absorbed from the medieval aristocratic doctrine of romantic love, although there are Jewish precedents as well. In the 16th century, Rabbi Elijah Capsali of Crete ruled that parents may not command a son to marry a woman he does not desire.[55]

On the other hand, the tradition also tries to secure the rights of parents. In both texts considered above, children are advised that the law allows them to follow their desires, but that a greater measure of piety would dictate bowing to their parents' wishes. The Talmud specifies the punishments for unceremonious forms of betrothal, including, most im-

portantly, betrothing without prior *shidukhin*, the engagement contract typically drawn up by the parents.[56] In the 16th and 17th centuries, the Council of Lithuania issued the following ruling, which may suggest that many people were following the dictates of their own hearts:

> Anyone who deliberately and brazenly violates the customs of Israel by marrying...without a minyan and a huppah shall, together with the witnesses who assisted him in this foul deed, be excommunicated and ostracized in this world and in the world to come. Their sin shall not be forgiven and the court shall punish them severely by hanging them from a post and administering forty lashes without any possibility of ransom [bail]. They shall be punished and tortured with all manner of suffering and excommunications as a means of preventing the promiscuity of the generation.[57]

In addition, Jewish communities might also specify the age until which a boy required parental consent to marry. The Council of the Four Lands, the governing body of the Polish Jews from the 16th to the 18th centuries, stipulated that "youths *(bahurim)* who have not reached the age of twenty and who contract to marry a woman without the knowledge or consent of their relatives and parents shall have their engagement contracts declared void..."[58]

Lest we think that the role of the community in marriage was only negative, it should be noted that communal institutions took on the responsibility of providing poor girls with dowries. This *kupah* ("fund") was an integral part of the Jewish welfare system in most areas of the Diaspora. In some communities, such as Poland, the girls might be required to serve as house servants for several years in exchange for their dowries.[59] Thus the communities gave concrete expression to the normative belief that everyone should marry; in practice, however, these funds were limited and probably insufficient to meet marital needs.

It is also possible that the communal funding of dowries sometimes led to coercion. Many communities imposed severe financial restrictions on who might marry, in order to keep down the numbers of the indigent. In Poznan in the 1630s, men were forbidden to marry women from outside the community unless they could bring with them a dowry of at least 400 zloty. Those caught violating this restriction were banished from the community. Marriages of servants were also restricted as a way of limiting the lower-class population.[60] In this way, communal control of marriages became a way of influencing the demographic makeup of the community.

AGE AT MARRIAGE

Parents sought to control the marriage of their children in another way -- by arranging the marriage when the couple was very young. The Mishnaic tractate *Pirkei Avot* recommends marriage at 18 for boys.[61] A passage in the Talmud reads: "While your hand is yet upon your son's neck, namely between 16 and 22. Others state, between 18 and 24."[62] We can infer from this passage that in talmudic times a son remained relatively dependent until his early 20s, not unlike the present day. On the other hand, R. Hisda advocates marrying children off at puberty: "I am superior to my colleagues because I married at 16. And had I married at 14, I would have said to Satan, An arrow in your eye."[63] R. Hisda believed that early marriage was the answer to sexual temptation, but it appears that most sons of the rabbinical class married much later.

Among Ashkenazi Jews of the Middle Ages, at least for the elite class, the practice was for boys to marry at the age of 13 or 14. The Ashkenazi legal tradition even justified marriages at an earlier age.[64] In the Muslim world, Jewish boys tended to marry somewhat later, in imitation of Muslim practice, and there was likely to be a wider age gap between husbands and wives than in the Ashkenazi world.

Although the Talmud recommends against giving girls in marriage as minors (below the age of 12), during the Middle Ages it was not uncommon, among both Ashkenazi and Sephardi Jews, to marry them even younger.[65] Several reasons are cited for this practice. Financial uncertainties sometimes made it desirable to marry off daughters when dowry money was in hand.[66] Also, competition for grooms in small Jewish communities encouraged parents to seize an opportunity when it came up, even if their daughters were minors.[67]

From the 18th century, Gentile states may have played a major role in changing Jewish values pertaining to age of marriage. Among Jews of Central Europe, the age of marriage for men rose into the 20s and even early 30s by the 18th century, possibly because laws in many of the German states and in Austria prohibited early marriages. Financial qualifications for marriage also pushed the age of marriage higher. In Eastern Europe in the late 18th and early 19th centuries, rumors of impending similar restrictions sometimes prompted waves of marriages of children under the age of 13.[68] Such outside interference was virtually unknown in the Middle Ages and represented an effort by absolutist states to deprive Jewish communities of their political autonomy.

According to the autobiographies of the 19th century *maskilim*, virtually all male Jews in Eastern Europe married around the age of 13 and females even earlier.[69] It is doubtful, however, whether this generalization applied to more than the elite class of merchants and scholars.[70] Yet even the poorer classes probably married quite young, by late adolescence. Only in the second half of the 19th century did the age of marriage for East-European Jews begin to rise into the mid-20s, a result, in part, of increasing poverty, which made it harder to find suitable mates, and of changes in values brought about by European ideas.

Marriage age can have a significant impact on family structure, the psychological dynamics between husband and wife, and relations with parents and in-laws. The autobiographies of the *maskilim* frequently reflect the difficulties faced by young men (there is little consideration of the experience of their young wives) who married at puberty and spent their adolescence in the unfamiliar homes of their in-laws rather than in those of their biological parents. The natural conflicts between parents and their adolescent children were therefore often played out between boys and their in-laws.

Young couples were also expected to consummate their marriage sexually, which imposed an additional emotional burden. There is little material besides the memoirs to confirm the experience of those not touched by the Jewish Enlightenment. Yet, from time to time, material that surfaces in the responsa literature sheds light on the traumas of early marriage. One 18th-century story tells of a 12-year-old boy who is married off and is pressured into having sex with his young wife. The experience ends in disaster and he runs away, never to be heard from again.[71]

The rise in marriage age among East-European Jews during the second half of the 19th century brought with it a change in the meaning of adolescence. This would have implications for many areas of life, since an unmarried youth could go off to a distant *yeshivah*, gain a new occupation, or even leave the Jewish community altogether for new shores or new cultures.

THE STRUCTURE OF THE FAMILY

It is often assumed that the premodern Jewish family was a kind of precursor of today's nuclear family -- that is, a discrete household consisting of parents and children. How true is this assumption? As Jews were a typically urban people, their family structure indeed often resembled that of urban people generally rather than the extended structure of peasant families. Jews would try to establish their own households as soon after marriage as they could. Even when couples lived with parents or in-laws, their marriage contracts (such as those found in the Cairo Geniza) often specified that they would have a separate apartment or, at least, a separate room.

On the other hand, where adolescent marriage was common, couples would not establish their own households until later. Thus, the Jewish version of an extended family often involved taking a son-in-law or daughter-in-law into the household until the new couple could support itself. Among Ashkenazi Jews, from the 13th century on and probably earlier, the groom was most likely to live with his wife's family. Among Jews in the Islamic world, the wife usually entered the husband's family. In the Cairo Geniza materials, marriage contracts often included promises by the husband to leave his parents' house or to divorce his wife with her *ketubah* (see below) if she did not get along with his parents.[72]

Although the Jewish family might include sons-in-law or daughters-in-law as well as some of their children, it was not like the extended family of Eastern European peasants. A study of Latvian Jews in the 18th century shows that the typical Jewish family contained 7.7 members as opposed to 13.8 in Latvian peasant families.[73] Three-fourths of the Jewish families consisted of only one conjugal unit -- that is, only one husband and wife -- children, grandparents, sons-in-law or daughters-in-law, and servants or lodgers, but not such "horizontal" relatives as the brothers and sisters of the parents and their families. The Jewish households of Latvia were apparently a good deal larger than those in the vicinity of Pinsk, which, in 1784, numbered only 3.2, including servants (a figure that seems unusually low).[74]

It is also clear that the nuclear family was not necessarily a two-parent family. We do not have good demographic evidence for most of Jewish history, but S.D. Goitein examined the Geniza documents for Mediterranean Jewish society in the 11th century.[75] He found that 45 percent of all women who married were doing so for the second time, suggesting that a high percentage of marriages ended in divorce or early widowhood. Goitein also believes that the number of women who did not remarry after losing their first husband exceeded those who did. In other words, it was quite common for single women to head a household. Since remarriage for men was much easier and more common than for women, there would have been fewer households headed by single men. It is clear, therefore, that the family of the Geniza records was often not the stable, model two-parent family.

Lack of stability in the premodern Jewish family owed much to the particular economic and social character of Jewish life. Mobility tended to undermine the extended family. In the Mediterranean, Jews of the merchant class often traveled long distances and were exposed to the dangers of the roads and the seas. Moreover, the international connections of this class of Jews led to marriages between widely separated families. Many marriage contracts from the Geniza specified where the bride and groom would live and whether one or the other could be required to move elsewhere. In medieval Germany, where the Jewish communities were often very small, it was necessary to search broadly for appropriate matches. Daughters or sons might leave not only their parents' homes but also their native cities or countries.

Various legal problems arose as a result of geography. Could a bride be forced to follow her husband to his distant city? Was he obligated to divorce her if he did not want to dwell in her town? In the responsa of Meir of Rothenburg, in the 13th century, we find contentions that some unscrupulous men used such situations to extort money from the families of wealthy brides: they would marry women from distant towns, abandon them and then refuse to grant them a divorce unless paid a substantial sum.[76]

The *Sefer Hasidim* reflects some of the issues tied to mobility:

> If [a son] cannot find a wife in the town in which his parents live and his parents are aged and need him to support them, let him not leave town. And if he can earn only enough to support his parents and would be forced -- should he marry -- to end this support, let him obey his parents [and not marry]. But if the son is wealthy and can have someone else serve his parents, he may then go to another town to take a wife.[77]

That fact that the *Sefer Hasidim* introduced this new dimension to the traditional commandment of reverence for parents (*kibbud av va'em)*, suggests that many young men ignored their parents' needs in order to travel in search of a wife.[78]

A similar problem sometimes resulted when young men traveled long distances to study -- a common practice in 16th- and-17th century Germany, where there were few *yeshivot* and serious students often journeyed to Poland. Such students might contract marriages without their parents' consent, a situation which led at least one father to refuse to pay for his son's engagement.[79]

Increased mobility also made abandonment of wives more likely among Jews than among medieval social classes tied to the land. The extensive rabbinic literature on *aginut* (the status of women whose husbands had disappeared and who therefore could not remarry) contains many examples of deliberate abandonment in addition to the many more cases of accidental disappearance. A particularly unusual case involved a 14th-century Egyptian Jew who ran off to join an Islamic Sufi sect; his wife appealed to the Nagid to force him to support their three children.[80]

Hasidism may have added a new dimension to the impact of mobility on the family, in the 18th century. Hasidim would travel long distances several times a year, usually on holidays, to the court of the *zaddik* (the leader of the Hasidic sect). Their opponents accused them of abandoning their families and failing to support them.[81] Although this charge is clearly biased, it is quite likely that the celebration of certain holidays became less family-oriented in early Hasidism. Whether the practice of traveling to the *zaddik* undermined the family economically is harder to say; it seems unlikely that a father's absence from home a few weeks a year would impoverish his family, although some fanatical Hasidim undoubtedly did abandon their wives and children.

The opponents of Hasidism were no less immune to the lure of travel for spiritual reasons. With the emergence of the great *yeshivot* in Lithuania in the 19th century, many young Jews left their homes to study, their young wives remaining behind. The *yeshivah* movement responded to this problem in 1879 with the establishment of the *kolel*, an institution for married students.

Finally, the great Jewish emigration movement beginning in the last quarter of the

19th century vastly exacerbated the effects of mobility on the Jewish family. Parental and communal control of marriage could no longer be maintained, and the number of wives and children left behind in the "old country" increased dramatically.

DIVORCE

The traditional Jewish attitude toward divorce is close to contemporary views. Although not encouraged, divorce is regarded as legitimate and it is justified for a wide variety of reasons, including basic incompatibility. We may thus conclude that the Jewish tradition encourages everyone to marry, but allows for the dissolution of marriages that fail.

There are few biblical laws pertaining directly to marriage, but the Bible contains an explicit procedure for divorce, which later informed rabbinic law.[82] By Second Temple times, there arose some opposition to divorce. According to the Prophet Malachi, the very altar weeps when a man divorces the "wife of his youth."[83] This relatively late point of view may well have found its way into some of the sectarian groups of late Second Temple times, and from them into early Christianity.

The rabbis, too, did not regard divorce as desirable (see Gittin 90b), and they instituted procedures to guard against hasty divorces. But they did not alter the basic biblical law permitting divorce. In fact, it may be argued that the rabbinical interpretation made divorce easier by allowing men to divorce their wives for virtually any reason and by granting women the right to petition a court to order a divorce under a number of circumstances.

Deuteronomy 24:1-4 states that a man may divorce his wife if he finds in her an *ervat davar*. The meaning of these two words occupied later commentators at great length. The word *ervah*, which is connected to the biblical sexual prohibitions, implies that the husband finds his wife guilty of some sexual transgression -- and this is the literal interpretation adopted by Beit Shammai (the first-century school of followers of Shammai). Yet, the law follows Beit Hillel (the school of Hillel), which holds that the phrase permits a man to divorce his wife for *any reason*. In other words, rabbinic law expands the literal meaning of the biblical proof text in order to make divorce much easier.

The divorce laws are fundamentally unequal in that they do not allow a woman to initiate a divorce for the same variety of reasons as a man. (There were some notable exceptions to this in the medieval Mediterranean world, where women apparently initiated their own divorces and did so more often than men did.[84]) Since a divorce had to be initiated by the husband, one who had disappeared or died without witnesses left his wife without any possibility for remarriage. This is the situation of the *agunah* or "grass widow." Rabbinic law includes no provision for granting such women a divorce by court fiat. As noted earlier, the problems of *aginut* were particularly acute in unstable times, such as wars or migrations, when husbands were more likely to disappear, involuntarily or deliberately. In our own time, the Holocaust created many *agunot*.

Although divorce had to be initiated by the husband, the rabbis in talmudic times established certain criteria that allowed a woman to ask a court to compel her husband to divorce her. These included lack of support, the husband's failure to meet his sexual obligations, and various occupations and medical conditions that would make it obnoxious for his wife to live

with him. These rulings gave women more power than they had in biblical times, although they still needed the help of a court to extract the *get* (writ of divorce) from the husband.

Despite the general belief that Jewish families have traditionally suffered relatively little domestic violence, one established cause for divorce was wife-beating. Rabbi Meir of Rothenburg states unequivocally that "a man who beats his wife...is compelled to give her a divorce." He also commented that "Jews are not addicted to the prevalent habit of ill-treating wives."[85] On the other hand, a number of important authorities, including Joseph Caro, Maimonides and Moses Isserles, argued that a husband cannot be compelled to divorce his wife if he beats her, and even condoned certain circumstances in which a husband may beat his wife as a form of discipline.[86] That such authorities sanctioned some form of wife-beating suggests that physical violence in the family was not unknown in Jewish history and that women could not always rely on rabbinic courts to protect them against brutal husbands.

The power of women in divorce was further extended by the legislation of Rabbenu Gershom in the 10th century. Gershom ruled that women cannot be divorced without their consent, even though both biblical and talmudic law leave the woman entirely passive. By withholding consent, a woman could force better terms for a divorce. Zeev Falk has shown that divorce by common consent was a relic of Roman law that persisted in medieval German and French secular law. The requirement of the wife's consent may have reflected the influence of these Gentile practices on the Jews.[87] In any event, the prohibition against divorce without the wife's consent made divorce, in practice, a mutual affair, except for certain explicitly stated causes such as adultery.

Another area where non-Jewish attitudes may have influenced Jewish practice was the public or judicial control of divorce. Biblical and, to some extent, talmudic laws of divorce assume that it is a private matter that needs no ratification by any public body. Yet in the regulations of the medieval Rhineland communities (the same communities which instituted the requirement of the wife's consent), we find: "Neither shall a man be permitted to give his wife a divorce without the sanction of the three communities, and if he shall do so, the husband and witnesses shall be excommunicated."[88] Jewish courts would be the bodies supervising divorces, thus turning them into public matters. Such a procedure resembles the ecclesiastical supervision of divorces from the ninth to the 11th centuries, before Pope Gregory VII banned divorce altogether. Communal or judicial control obviously served to deter divorce, just as the requirement to marry in public deterred unions that violated public standards.

The marriage contract *(ketubah)* also acted as a weighty deterrent to easy divorce. The *ketubah* constituted a form of divorce insurance, or alimony, which guaranteed the wife a sum of money if she was divorced without cause. In such cases a woman who petitioned for a divorce would be awarded her *ketubah*. However, if she behaved improperly -- by refusing to have sex with her husband, by shaming him in public or, in the worst case, by committing adultery -- she could be divorced without her *ketubah*. For those men who could not afford to pay the *ketubah* and for those women who could not afford to live without it if divorced (probably the vast majority of the population), divorce was conceivable only if the marriage had reached a real crisis. Many of the documents that have survived testify to the hard bargaining involved in settling the financial details of the divorce. Just as today the high rates of divorce and single motherhood have created a new class of impoverished women, so women who were divorced without their *ketubot,* or whose husbands were too poor to pay an adequate alimony, were often left in a precarious position. They were frequently the recipients of *tzedakah* (charity). Indeed, one way S.D. Goitein estimated the number of families headed by single women was by consulting the lists of recipients of communal bread distribution.[89]

Since Jewish law made divorce relatively easy but also erected financial barriers against it, how extensive was the practice in premodern times? Goitein's picture of the Jewish family during the Geniza period suggests that it was not uncommon. Israel Abrahams, author of *Jewish Life in the Middle Ages*, which deals primarily with the Jews of Central and Western Europe, also believes that divorce was quite prevalent and that most divorces were a result of early marriages; yet he, like Goitein, offers no precise statistics on the subject.[90]

An article by the Israeli historian Israel Yovel provides dramatic evidence of a high rate of divorce in 15th-century Germany.[91] Yovel describes the efforts of a rabbi named Seligmann of Bing to convene a rabbinic synod to deal with a rash of divorces. Seligmann charged that people would often contract a new marriage even before they obtained a divorce, and he sought ways to prevent such easy remarriage. Substantial evidence from the period bears out Seligmann's claim. In Nuremberg, between 1416 and 1442, there were 30 divorces out of a population of 35 Jewish families. In the city of Mainz, where 14 Jewish families were recorded in 1434, there were 12 divorces between 1418 and 1434. Seligmann's own town of Bing, which had a population of six to nine Jewish families, registered four divorces between 1447 and 1451. Yovel calculated on the basis of this evidence that two out of every three marriages in this period ended in divorce! He also believes that the rabbis opposed Seligman's efforts to counter the trend because they earned substantial fees for officiating at divorces.

In the early 19th century, the Russian *maskil* A.D. Guenzburg wrote in his memoirs that divorce among Jews was so common that people dated events either from fires or from someone's divorce.[92] This statement must be viewed with some skepticism, since Guenzburg, like many of the other *maskilim*, had little positive to say about traditional Jewish marriage. Indeed, the divorce rate among the Eastern European *maskilim* seems to have been as high as 30 percent -- a figure that no doubt reflects the clash between traditionally arranged marriages and new values.

Without precise statistics it is difficult to come to definite conclusions about the rate of divorce among premodern Jews. As the responsa literature and other evidence suggest, divorce did occur often enough so that it was not perceived as an unusual event; occasionally it even became a recognized social problem.

Rabbinic courts often tried to mediate before granting a divorce, but the Talmud opposes mediation in clear-cut cases. The court could set aside the *ketubah* and award *mezonot* (sustenance) payments to the wife if it regarded the *ketubah* as inadequate. There were also clear standards for the settlement of property claims. If a woman brought property into the marriage, in the form of a dowry or through her own business dealings, she had the right to retrieve it, but she had no right to the profits or the interest the husband might have made from the property.

The legal tradition is also specific about child custody. Until the age of six, all children remain with the mother; after six, boys go with their father and girls with their mother. The principle that governs child custody is that the interests of the child are paramount. A court may set aside the general rule and, if circumstances warrant it, even remove children from the custody of both parents and place them in foster care.

In custody situations, the legal tradition sees children as having rights with respect to their parents, while parents have only obligations with respect to their children. For example, visitation of a child by the parent who does not have custody is a right of the *child*, not of the parent, and the parent cannot be prevented from visiting the child, unless it is in the

child's best interest. The father, even if he does not have custody, is obliged to continue supporting his children; a court may force him to do so. On the other hand, he may not be prevented from visiting the child as punishment for failing to provide maintenance, since this would violate the child's right of visitation.

PARENT-CHILD RELATIONS

The Jewish tradition holds that parents have obligations toward their children that apply whether or not they have custody over them. These obligations are not divided equally between father and mother. The father is obliged to support his children until they reach the age of six, even if he is poor. Beyond that, he is still required to maintain them until legal majority (sons at 13 and daughters at 12), but this obligation stems from the duty of giving charity *(zedakah)*.[93] The father is also required to circumcise his son, educate him, teach him a profession or trade and, some say, teach him to swim.[94]

The mother has no such obligations, although she can be required to support her children after the age of six on the basis of the laws of *zedakah* if she has money and the father is too poor. Mothers were obliged to nurse their children (or to engage a wet nurse) and, if divorced, were responsible for the upbringing of their sons and daughters to age six and their daughters after that. In addition, the parents felt themselves obliged to arrange their children's marriages and to provide dowries for their daughters.

It is interesting to contrast American and Jewish law on the obligations of parents and the rights of children. In both legal systems, children are said to have rights of proper care, but the traditions differ significantly on the relationship between parental duties and children's rights. For American law, the duties of the parents derive from the child's rights, while in Jewish law, the child's rights derive from the parents' obligations. In other words, Judaism is a system of law based on *duties* commanded by God, rather than innate rights. The consequence of this difference is that Judaism is in a much stronger position to bring moral pressure to bear against delinquent parents. As a recent scholar of the subject has written: "...there is a difference...between the breach or neglect of duty and the invasion or interference with a right."[95] Because Judaism derives rights from duties, the community believed that it had the right to compel parents to give proper care to their children.

The responsibilities of parents were considered to last until their children reached legal majority. In practice, however, children did not become free agents at this age, even if they were married. Those married in early adolescence lived in the houses of their parents or in-laws and were treated as moral and often occupational apprentices.

The obligations of children toward their parents rest on the fifth commandment of the Decalogue, "Honor your father and your mother."[96] In practical terms, the rabbis understood this commandment not only to require obedience and reverence toward parents, but also material support:

> "Honor your father and your mother." Perhaps this means with words alone? We are taught: "Honor the Lord with thy substance" -- in food and drink and with clean garments."[97]

This principle led to a discussion in the Talmud of whether "substance" meant that the child was required to give money to the parent or only personal service (the Jerusalem Talmud took the first position; the Babylonian Talmud -- and thus the *halakhah* -- took the second). The question was practical and serious, for there were no "social security" or other provisions to cushion old age from poverty. To prevent the elderly from requiring public charity, children were obligated to assume primary responsibility for their parents.

The general principle governing these obligations is that parents (in most instances, fathers) support their children when the children are young and children support their parents when the parents become old. Families support themselves as well as they can before turning to public assistance. Nonetheless, the community did take part in family issues. Courts exercised jurisdiction in family matters, whether it meant forcing a recalcitrant father to support his wife and children or a son to take care of his parents. (There is a wonderful anecdote about a case brought before the 19th-century rabbi, Hayyim of Brisk, involving a man who tried to beg off visiting his ill father since the law did not oblige him to buy a train ticket for the trip. Hayyim answered: "Correct -- you are not obligated to spend the money. Walk."[98])

If necessary, the courts could remove the child from parental custody. A court was called "the father of all orphans" because it also had the power to ensure adoption or proper custody for children left without parents.[99] Courts were also involved in establishing paternity and securing support for children born out of wedlock. In a case from the responsa of Ezekiel Landau, a woman brings a paternity suit against a man who then goes to a Gentile court and swears that he is not the father. Since the mother cannot support the child, it is taken to a non-Jewish orphanage. The Jewish court is concerned that this not become a precedent for other cases of children born out of wedlock, and Landau recommends that the marriage laws be applied leniently, so that an unmarried mother may marry and keep her child.[100] Marriage, divorce, child custody, and other family relations were all considered legitimate public concerns in traditional Jewish society.

CARE OF INFANTS

No organized system of child care existed in any society before the 20th century. But discussions of nursing in Jewish texts provide interesting insight into a number of basic attitudes. The rabbis believed that the natural mother's milk is the best source of nutrition for the child,[101] and a woman was required to nurse her child until it was two years old.[102] If her husband died while she was still nursing, the mother was not permitted to remarry until her child reached the age of weaning, lest she neglect him or her in favor of a new child.

If the woman was wealthy enough, however, or could not nurse, a wet nurse could be hired. But the required two years of nursing still applied, and the nurse had to be paid enough so she would not abandon the child before the weaning age. The tradition also prescribes how to choose wet nurses to guarantee a high quality of milk and how to make sure, if they are not Jewish, that they do not feed the child non-kosher food. Contrary to the general European practice of farming out children to the home of wet nurses, Jewish families usually brought the women into the home of the baby, thereby reducing the high infant mortality that was sometimes associated with sending children to homes where they might be treated with less care than children born of the household.

Some historians of the family maintain that Europeans in the Middle Ages treated children indifferently and scarcely mourned them if they died.[103] But there is no evidence of such indifference in the normative Jewish texts or descriptions of Jewish life during that period. For example, infanticide is virtually unknown in the responsa literature from the Middle Ages. The emphasis on the first two years of life and the demand that a woman either devote herself fully to the child during that period or engage a responsible caretaker all suggest an attention to early childhood that may have contributed to lower infant mortality among the Jews.

The care of very small children, according to Jewish teachings, was expected to take place in the home, or at least under the clear supervision of the family. Care by the mother was deemed best, but the tradition recognized that surrogate caretakers might be necessary. Such caretakers were expected to meet the highest standards and to form a durable bond with the child.

WOMEN AND WORK

The Bible and the Talmud both viewed the economic roles of men and women as fundamentally different. Men's work was the public sphere, the marketplace; women's work was in the home. The Mishnah describes women's work as "grinding corn, baking bread, washing clothes, cooking, suckling her child, making ready his [the husband's] bed and working in wool."[104] It also declares that a woman is expected to contribute to the economy of the household, unless the family is wealthy enough to replace her labor with servants. Even a wealthy woman who could afford "a hundred bondwomen" was expected to "work in wool"; in the Hellenistic world, spinning was considered a proper occupation for aristocratic women.

The distinction between the public sphere of men and the private sphere of women parallels the religious distinction between men and women: men are expected to be part of the public religious sphere -- the synagogue -- while women's religious life is considered private (thus, women are not required to obey those commandments "governed by time" *[mitzvot she-ha-zman gramah]* because their schedules are determined by the domestic timetable).

Within marriage, a woman's work was considered to be the property of her husband, as were any interest earned on the property she brought into the marriage, as well as her estate when she died.[105] She had no automatic rights of inheritance and she could not retrieve the profits of her labor in the event of a divorce -- although she could reclaim what she brought into the marriage. In exchange for relinquishing her economic rights, her husband owed her sustenance, clothing, lodging and medical care, as well as sexual satisfaction. As the primary breadwinner, a husband was also required to make provision for the maintenance of his wife and children after his death.

In practice, depending on economic conditions, women often worked outside the home. As long as a woman was engaged in domestic crafts, there was little question about her husband's right to the fruits of her labor. But when women entered the marketplace and began to make money on their own, legal and social problems could arise. It is possible that the extensive discussions in the Talmud about women's work reflect conditions of poverty in late antiquity that required women to work outside the home.[106] Yet Goitein found few references to working women in the Mediterranean countries in the 10th to the 12th centuries;

by the next century, however, economic conditions had deteriorated, and it was quite common for women to be earning wages. A late 13th century *ketubah* reads: "She has taken upon herself that her earnings should belong to her husband." Since this was the law, it is startling for such a statement to appear in the marriage contract. Apparently it had become the norm for women to keep control over their own earnings.[107]

In the Geniza period, women were generally not engaged in the production of goods. Instead, they were involved in such commercial activities as the buying and selling of real estate (often real estate they brought into the marriage), moneylending, and trading in textiles and jewelry. Many of these occupations involved men as well, but women often engaged in them on their own, and not necessarily in partnership with their husbands.

It would be a mistake, however, to assume that the majority of Jewish women were engaged in business in the Islamic world of the High Middle Ages. The strict Muslim prohibition against women in public undoubtedly had a significant impact on Jewish customs. It was only when economic conditions worsened that more women entered the economy.

In the Ashkenazi world of premodern times, women were very much involved in the marketplace. In Northern France, in the 12th to the 14th centuries, women were flour dealers, owners of vineyards, even doctors.[108] In Germany, in the late 17th century, Glueckel of Hameln took an active role in her husband's trade in precious stones and ran the business herself after his death. Glueckel was perhaps not entirely representative of Ashkenazi women, for she came from the upper class, which enjoyed an enormous surge of wealth with the rise of mercantilism.

In Eastern Europe, Jewish women frequently ran small shops and businesses together with their husbands. Gershon Hundert, who studied the economic activities of Jews in 17th-century Poland, found that in Lublin, 8 percent of all transactions using the municipal scales involved Jewish women. (This was slightly lower than the 10.9 percent of non-Jewish women who used the scales.) Hundert also found an organization of Jewish women peddlers in Kazimierz, next to Cracow.[109]

So common was the activity of Eastern European Jewish women in commerce in the 19th century that it aroused the hostility of the *maskilim*, who argued for a bourgeois family in which women remained in the home. M.A. Guenzburg, whose autobiography is sharply critical of traditional Jewish marriage practices, wrote in another work that the morals of Jewish women in Russia had deteriorated because they engaged in business, whereas in "more civilized" countries, men worked and women stayed at home.[110]

Industrialization and the great emigration movement of the late 19th and early 20th centuries had an enormous impact on women and work. In traditional Jewish society, unmarried girls probably worked almost exclusively in family businesses and therefore could be kept under some supervision. The new social forces, both in Eastern Europe and in America, drove women into factories. The evidence suggests that most Jewish women employed in industry were unmarried and that, once married, they often stopped working, in conformance to the modern bourgeois ideal.[111]

THE JEWISH TRADITION AND THE CONTEMPORARY CRISIS OF THE FAMILY

To what extent are the tradition and historical experience of Jews relevant to the crisis confronting Jewish families today? The current crisis is, in part, a crisis of tradition. Correctly or not, we believe that present-day families lack stability partly because they are no longer rooted in traditional communities imbued with traditional values. Historical study teaches us that, to a great extent, this represents an unrealistic nostalgia for times that never existed. Even if the core of this idealized image were true, we cannot return to times that are irrevocably gone. Our task, therefore, is to recover those parts of our historical traditions that still have validity and balance them against our modern principles of individual autonomy. By emphasizing areas of continuity with Jewish family life in the past, we develop a better sense of our own families as part of a chain of tradition and seek solutions to problems in line with our values. At the same time, understanding those areas in which families in the past also encountered difficulties helps us to reconcile ourselves to problems that have no ready solution.

On one level, the political, economic and social contexts in which today's families live are so radically different from those of the past that the norms of the tradition are irrelevant. Until the 18th and 19th centuries, the Jewish communities of the Diaspora, like the ancient Jewish state in the Land of Israel, exercised great authority over its members' religious and personal lives in such matters as marriage, divorce, child custody and other family affairs. The rise of the absolutist state in the 18th and 19th centuries brought an end to this communal autonomy, as the state took over regulation of family life. Indeed, one of the characteristics of absolutism was the unprecedented degree to which it interfered in private family domains.

With the breakdown of absolutism and the emergence of democratic states, family life was to a large degree liberated from governmental regulation. Modern states place few restrictions on who may marry, and civil marriage allows members of different religions, ethnic groups and economic classes to wed as they choose. Divorce has become increasingly simplified. In these areas, as in many others, the theoretical tendency is for government to play less of a role in private choices than in the past (a point worth noting in the context of the conservative argument that government interference is a bad, recent innovation).

In democratic countries Jews, like all other citizens, enjoy a degree of individual freedom unprecedented in their history. Freedom from the power of the traditional community also means freedom from the coercion of parents whose will was often enforced by communal authorities. Children in Jewish families today have greater power than at any other period in Jewish history.

The economics of capitalism also dictate family structures very different from those of the past. Women's work in the Middle Ages was typically centered in cottage industries, tied to the home. By the 19th century, a theoretical ideal of women as homemakers had developed, which excluded upper-class women from the economic sphere, even as working-class women joined the new industrial work force. In recent years, more and more women from all social classes -- are working outside the home for both economic and personal reasons -- and the shift has caused significant strains in family life.

Finally, the political and social freedom that the modern secular states afford their citizens makes intermarriage and mixed marriage more likely among Jews than at any other time in their history.

Given all of these new circumstances, the Jewish tradition cannot always be relevant. And even if one were to accept certain traditional norms, the absence of an authoritative communal structure to enforce them necessarily alters their meaning. Yet the dividing lines between "traditional" and "modern" times are not as radical as many think. As the foregoing pages make clear, there are many continuities between premodern and modern Jewish families, and Jews faced many of the same problems in the past that they do today. Most earlier Jewish families were nuclear families. Marriage was not based solely on pragmatic or procreative considerations. Divorce was not rare, and impoverishment of divorced women was a significant issue. Because of mortality and divorce, single-parent families were not uncommon.

One especially striking resemblance between Jewish life in earlier centuries and today is the mobility and geographical dispersion of the Jewish community, with all the implications this has for maintaining ties with an extended family. Despite the prevailing myth about the grip of the Jewish mother on her children, Jews in the past, as today, tended to wander far from home and establish themselves farther from their parents than most other groups in society. This type of mobility creates its own tensions for the family, but they are tensions familiar to the Jewish family for at least a thousand years.

The willingness of Jewish authorities to intervene in family life may strike us as archaic and unacceptable when it comes to dictating marital choice. But it anticipated the role of modern governments in areas such as child custody in protecting the welfare of the family's weaker members.

The relationship of the Jewish community to the family suggests values markedly different from the present-day ideal, particularly from the ethos of individualism that pervades so many spheres of American life. Although family life in America in earlier times was undoubtedly more stable than it is today, the lure of the frontier and the desire for individual material achievement could and did lead to the breakup of families The ongoing conflict over how much government should intervene to protect or police the family reflects the legacy of individualism and hostility toward any outside interference in the private sphere. The Jewish experience is much closer to the European pattern, which always assumed that families are to one degree or another subject to political authorities. It is possible that the Jewish model of intervening to protect the weak while allowing for a certain amount of individual autonomy is more appropriate to present-day needs than a family value system built entirely on individualism.

We have also seen that the Jewish tradition has been on the whole relatively flexible with regard to family questions. As the shifting interpretations in the laws of divorce and in attitudes toward women working outside the home indicate, historical Judaism has demonstrated the ability to transform itself.

What does the Jewish tradition offer us as a guide to contemporary family policy? It is, above all, unqualifiedly pro-family, and the traditional communal policies were, first and foremost, designed to support family life. Some kinds of intervention, such as prohibiting unacceptable marital choices, are clearly inappropriate today. But the policy of providing dowries for poor brides may serve as a model for communal programs designed to help Jews meet and marry. Similarly, the institution of the *shadkhan*, long ridiculed, may have a place in a Jewish community suffering from geographical mobility, dispersion and high divorce rates.[112]

Encouraging Jews to have children is a traditional value; but the reluctance of rabbinic courts to intervene when people failed to have children (or, for that matter, did not marry)

suggests there are limits to communal intervention in matters pertaining to love, marriage and the family. The desire of many Jews to increase the Jewish population, especially after the Holocaust, cannot be readily or effectively translated into communal policy.

The Jewish tradition sought to guard against hasty divorce while protecting the right of people to sever their relationship if their marriage was untenable. The *ketubah* as a form of divorce insurance may have contemporary relevance in protecting women against the financial catastrophe that often accompanies divorce. Similarly, the Jewish alimony system *(mezonot)* contrasts sharply with the present tendency to let divorced women fend for themselves. Finally, the communities took upon themselves the obligation of giving welfare to Jewish women who became impoverished as a result of divorce.

With respect to children and their rights, the Jewish tradition is manifestly interventionist, although it holds that families must first provide for themselves before turning to the community. Here the tradition provides a model for a vigorous governmental policy to assure a healthy and stable life for children.

Jewish tradition views child care as the primary responsibility of the family, but it also allows for care by qualified people outside the family. The laws governing wet nurses suggest that the communities tried to supervise the care children received -- which implies that government-funded child care would not be foreign to the Jewish tradition. The preferred structure of such care, however, would resemble that of the family as closely as possible, and encourage the active involvement of the parents in all aspects of the program.

As these pages make clear, the conflict between traditional norms and individual desires is by no means a modern invention. Even if we do not fully accept the teachings of the Jewish tradition, we must recognize that the attempt to balance individual, family and communal needs is a persistent theme throughout the many centuries of Jewish history.

NOTES

1. Steven M. Cohen, "Vitality and Resilience in the American Jewish Family," in Steven Cohen and Paula Hyman, eds., *The Jewish Family: Myths and Reality* (New York, 1986), 223.

2. A review of the literature can be found in Michael Anderson, *Approaches to the History of the Western Family* (London, 1980). The idea that the modern family is radically different from the traditional has been advanced in particular by Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (New York, 1977) and Edward Shorter, *The Making of the Modern Family* (New York, 1975). Two dissenters are Alan MacFarlane, *History and Theory* 28 (1979):103-26 (a review of Stone's book) and *Origins of English Individualism: Family, Property and Social Transformation* (Oxford, 1978), and Peter Laslett, *The World We Have Lost,* 2nd ed. (New York, 1973).

3. BT (=Babylonian Talmud) Yevamot 63b.

4. Ibid. 62b-63a.

5. Gershom Scholem, *Major Trends in Jewish Mysticism,* 3rd ed. (New York, 1961), 226-27.

6. See Moses Isserles, Commentary on *Shulhan Arukh*, Even-ha-Ezer, 1: 4.

7. S.D. Goitein, *A Mediterranean Society* (Berkeley and Los Angeles, 1978), 3: 48, 62.

8. Ibid., 47-48.

9. David Feldman, "Homosexuality and the Halakha," *Shma* 2 (May 19, 1972): 33.

10. Mishna Kiddushin 4:14 and BT Kiddushin 82a. See also "Homosexuality" in *Encyclopaedia Judaica*.

11. "He who does not engage in propagation of the race is as though he sheds blood" and "as though he has diminished the Divine Image" (BT Yevamot 63b).

12. *Shulhan Arukh*, Even ha-Ezer 1:1. Similarly, Caro takes a very dim view of excessive sexual activity by the man beyond the needs of procreation and his sexual obligation toward the woman.

13. BT Yevamot 65b; see also Rachel Biale, *Women and Jewish Law* (New York, 1984), 199-204.

14. Sa'adiah Gaon, *The Book of Beliefs and Opinions*, 10: 9.

15. Commentary on Genesis 38: 7.

16. The main controversy is between Rashi and Rabbenu Tam, neither of whom permit widespread contraception. See Biale, 208-11.

17. BT Ketubot 62b-63a. See also Midrash Rabba on the Song of Songs 1: 34, which is a story about the love of a man and a woman who are childless after 10 years of marriage.

18. Isserles, Gloss on *Shulhan Arukh*, Even ha-Ezer 1: 4.

19. See Biale, ch. 5, and David Feldman, *Marital Relations, Birth Control and Abortion in Jewish Law* (New York, 1974), 60-80.

20. Maimonides, *Guide of the Perplexed* 3: 49.

21. See note 2.

22. Eleazar ben Yehuda of Worms, *Sefer ha-Rokeah* (Hilkhot Teshuvah): "Let him rejoice in her when she is pure...for she protects him from sin."

23. BT Sotah 27b.

24. Louis Epstein, *Sex Laws and Customs in Judaism* (New York, 1948), ch. 9, esp. p. 212.

25. Eliakim Ellenson, *Nisu'in she-lo ke-Dat Moshe ve-Yisrael* (Tel Aviv, 1975). Ellenson summarizes the whole legal discussion around "common-law" marriages in order to determine whether the legal problems pertaining to Jewish marriage today (such as marriages performed by Reform rabbis, women whose husbands leave them without a *get* and so forth) might be solved by a system of "non-halakhic" marriages.

26. BT Yevamot 110a and 107a. See Ellenson, ch. 7.

27. See Jacob Katz, "Marriage and Marital Relations at the End of the Middle Ages" (Hebrew), *Zion* 10 (1944-1945): 39, and "Family, Kinship and Marriage Among Ashkenazim in the Sixteenth to Eighteenth Centuries," *Jewish Journal of Sociology* 1 (1959): 11.

28. *Noda bi-Yehudah*, 2nd ed. (Prague, 1811), Q. 27.

29. *Shnei Luhot ha-Brit* (New York, 1946), 100.

30. Epstein, chs. 2, 3 and 4.

31. BT Kiddushin 12; Epstein, 124-25.

32. The best summary of the evidence of intermarriage is in Raphael Patai and Jennifer Patai Wing, *The Myth of the Jewish Race* (New York, 1975), 91-118.

33. See, for example, the statement that a Jew who has sexual relations with a Gentile will not escape from Gehenna: BT Eruvin 19a.

34. BT Kiddushin 72b, 75a, 78b. See also "Proselytes" in *Encyclopaedia Judaica.*

35. Salo W. Baron, *The Jewish Community* (Philadelphia, 1942), 2: 311. S.D. Goitein is persuaded of the prevalence of such behavior in the world of Geniza. See his *Mediterranean Society*, 2: 277, 301.

36. See the extensive discussion of such cases in Salo W. Baron, *Social and Religious History of the Jews*, 2nd rev. and enlarged ed. (1967), 11: 82-85; Louis Epstein, *Sex Laws and Customs in Judaism* (New York, 1948), 173. See also Asher ben Yehiel, *Responsa* (Hebrew; Jerusalem, 1965), 18: 13.

37. See Patai and Wing, 51-90, and David Max Eichhorn, ed., *Conversion to Judaism: A History and Analysis* (New York, 1965).

38. *Shulhan Arukh*, Even ha-Ezer 2: 2.

39. See Katz articles (cf. note 27).

40. See Israel Abrahams, *Jewish Life in the Middle Ages* (repr. New York, 1969), 170-73.

41. Moses Mendelssohn, *Gesammelte Schriften Jubiläumsausgabe* (Berlin, 1929-1938), vol. 16, 15 May 1761, letter 103, p. 205, and 27 April 1762, letter 200, p. 324.

42. See my "Childhood, Marriage and the Family in the Eastern European Jewish Enlightenment" (American Jewish Committee, 1983), also published in Cohen and Hyman, *The Jewish Family*, 45-61 (an expanded version of this article was published in *Polin* 1 [1985]). On the *shadkhan*, see David Knaani, *Ha-Batim She-ha'yu* (Tel Aviv, 1966), 29-33.

43. Israel Halpern, *Beit Yisrael be-Polin*, 2: 250. See also Chone Shmeruk, "German Students in Polish Yeshivot" (Hebrew) in *Sefer Yovel le-Yitzhak Baer* (Jerusalem, 1961), 306.

44. See Azriel Shochat, *Im Hilufei Tekufot* (Jerusalem, 1960), 162-73.

45. Nathan Hurwitz, "Courtship and Arranged Marriage Among Eastern European Jews Prior to World War I as Depicted in a Briefenshteller," *Journal of Marriage and the Family* (May 1975), 429.

46. See note 18.

47. *Tzava'at ha-Rivash* (Brooklyn, 1975), 35. One of the more extreme cases of a male fellowship permeated with implicit homoeroticism was that of Nahman of Bratslav. See Arthur Green, *Tormented Master: A Life of Nahman of Bratslav* (University of Alabama, 1979).

48. *Shnei Luhot ha-Brit*, 100.

49. See my "Childhood, Marriage and Family."

50. *The Memoirs of Glückel of Hameln*, trans. Marvin Lowenthal (New York, 1977).

51. BT Yevamot 110a.

52. Jacob Reischer, *Shvut Ya'akov* (Halle-Offenbach-Metz, 1710-1789), Part 2, Q. 112.

53. See, for example, Yair Bachrach, *Havat Ya'ir* (Frankfurt, 1699), Q. 60. The problem of unsanctioned marriages was a result of the ease with which marriage may be effected according to Jewish law. Cf. Mishna Kiddushin 1: 1.

54. *Sefer Hasidim,* ed. Reuben Margaliot (Jerusalem, 1957), 334, 370-71.

55. Gerald Blidstein, *Honor Thy Father and Mother* (New York, 1976), 90. The text is from a manuscript entitled *Me'ah She'arim*, published originally by H.H. Ben Sasson in *Sefer Zikaron le-Gedaliah Allon* (Jerusalem, 1970), 278-83.

56. BT Kiddushin 12b.

57. *Minute Book of the Council of Lithuania*, ed. S. Dubnow (Berlin, 1925), no. 43. Other such communal legislation is collected in A.H. Freiman, *Seder Kiddushin ve-Nisu'in* (Jerusalem, 1964), 210-16.

58. *Pinkhas Va'ad Arba ha-Aratzot*, no. 165. Similar regulations from Lithuania stipulate 18 instead of 20. See *Minute Book of the Council of Lithuania,* nos. 32 and 430.

59. *Pinkas Medinat Lita,* no. 128.

60. Dov Weinryb, *Studies in the Communal History of Polish Jewry* (New York, 1950), 19-21 (Hebrew section) and 39-40 (English).

61. Pirke Avot 5: 24.

62. BT Kiddushin 29b-30a. See also BT Yevamot 62b.

63. BT Kiddushin 29b-30a.

64. *Otzar ha-Poskim,* 1: 3.

65. BT Kiddushin 41a.

66. Tosafot *ad loc.*

67. *Kol Bo* (New York, 1946), 43b.

68. Israel Halpern, "Panic Marriages in Eastern Europe" (Hebrew) in his *Yehudim ve-Yahadut be-Mizrah Europa* (Jerusalem, 1969), 289-309.

69. See my "Childhood, Marriage and Family."

70. Shaul Stampfer, "The Social Implications of Child Marriages in Eastern Europe in the Nineteenth Century" (Hebrew; forthcoming).

71. Ezekiel Landau, *Noda bi-Yehudah*, 2nd. ed., Q. 52.

72. Goitein 3: 150.

73. Andrejs Plakans and Joel Halpern, "An Historical Perspective on Eighteenth Century Jewish Family Households in Eastern Europe," in Paul Ritterband, ed., *Modern Jewish Fertility* (Leiden, 1981), 18-32.

74. Mordecai Nadav, *History of the Jews of Pinsk* (Hebrew; Jerusalem, 1964), 155.

75. Goitein 3: 63-65, 272-77.

76. See Meir's responsum quoted in Hayyim Or Zarua, *Responsa* (Jerusalem, 1960), no. 147, pp. 47a-49a. For similar cases in Meir of Rothenburg, see his *Responsa* (Cremona ed.), nos. 36 and 218.

77. *Sefer Hasidim* (Bologna ed.), sec. 564, p. 371.

78. Blidstein, 106.

79. Shmeruk, "German Students."

80. S. D. Goitein, "A Jewish Addict to Sufism," *Jewish Quarterly Review* 44 (1953): 37-49.

81. See Mordecai Wilensky, *Hasidim u-Mitnagdim* (Jerusalem, 1970), 1: 46, 47 and 105.

82. Deut. 24: 1-4. The rabbinic vocabulary changes the biblical *sefer keritut* (divorce document) into *get*, but the steps involved in effecting a divorce are based on what appears to be the legal procedure described in Deuteronomy.

83. Malachi 2: 13-16.

84. Mordecai Friedman, "Termination of the Marriage at the Wife's Request: A Palestinian Ketubba Stipulation," *Proceedings of the American Academy of Jewish Research* 37 (1969): 29-55 and *Jewish Marriage in Palestine: A Cairo Geniza Study* (Tel Aviv and New York, 1980), 312-46. See also Zeev Falk, *Direct Action by the Wife in Jewish Law* (Hebrew; Jerusalem, 1973).

85. The first quotation is brought by Moses Isserles's commentary on the *Tur: Darkhei Moshe*, Even ha-Ezer 154: 11. The second appears in Meir of Rothenburg's *Responsa* (Cremona ed.), 291.

86. See Biale, 93-96; Abrahams, 88-89; Samuel Morell, "An Equal or a Ward: How Independent Is a Married Woman According to Rabbinic Law?" *Jewish Social Studies* 44, nos. 3-4 (Summer-Fall 1982): 197-98; and Knaani, 83.

87. Zeev Falk, *Jewish Matrimonial Law in the Middle Ages* (Oxford, 1966), 132-43.

88. Ibid., 116. A somewhat similar procedure can be found in Palestine already during talmudic times, when an "inspector of divorces" supervised the proceedings. See also ibid., 122-23 and BT Gittin 5b.

89. Goitein 3: 63-64.

90. Abrahams, 121, 175.

91. Yisrael Yaakov Yovel, "Legislation Against the Increase in Divorces in Fifteenth-Century Germany" (Hebrew) *Zion* 48: 2 (1983), 177-215.

92. Guenzburg, *Kiryat Sefer* (Vilna, 1847), 59.

93. BT Ketubot 49b, 65b. See also "Parent and Child" in *Encyclopaedia Judaica*.

94. BT Kiddushin 29a.

95. Ronald Warburg, "Child Custody: A Comparative Analysis," *Israel Law Review* 14, no. 4 (1979): 480-503; quotation from p. 491.

96. See Blidstein for a full discussion of this commandment.

97. *Mekhilta*, Yitro, Bahodesh, 8 (ed. Horowitz-Rabin, p. 231). Translated in Blidstein, p. 61.

98. See Blidstein, p. 72, for the translation and the original source.

99. There is no Jewish law of adoption, but there is an institution called *apotropos* (foster parent) that can be invoked in the case of orphans. See BT Kiddushin 101b, *Tur* and *Shulkhan Arukh*, Even ha-Ezer 114. For a summary, see "Adoption" in *Encyclopaedia Judaica*.

100. Ezekiel Landau, *Noda Bi-Yehudah*, 2nd ed., Q. 34.

101. See, for example, Levi ben Gershon, *Commentary on I Samuel*, end ch. 7. A collection of sources on nursing can be found in Ephraim Kanarfogel, "Attitudes Toward Childhood and Children in Medieval Jewish Society," in David Blumental, ed., *Approaches to Judaism in Medieval Times* 2 (Chico, Calif., 1985), appendix, 17-18.

102. BT Ketubot 59b.

103. See Phillipe Ariès, *Centuries of Childhood*, trans. Robert Baldick (New York, 1962) for this claim. Ariès's critics have overturned many of his contentions.

104. Mishna Ketubot 5: 5.

105. BT Ketubot 47b; see also Morell, 190-97.

106. Goitein 3: 132; Louis Epstein, *The Jewish Marriage Contract* (New York, 1972), 153-59.

107. Goitein 3: 133-34.

108. L. Rabinowitz, *The Social Life of the Jews in Northern France in the XII-XIV Centuries* (London, 1938), 163.

109. Gershon Hundert, "Approaches to the History of the Jewish Family in Early Modern Poland-Lithuania," in Cohen and Hyman, *The Jewish Family*, 22.

110. M.A. Guenzburg, *Kiryat Sefer* (Vilna, 1847), 59

111. Alice Kessler-Harris, "Organizing the Unorganizable," *Labor History* 17 (Winter 1976): 6-7.

112. The *shadkhan* is apparently making a comeback. See Ruth Mason, "Have I Got a Match-maker for You," *Jewish Monthly*, January 1987, 30-32.

STATEMENT BY THE AMERICAN JEWISH COMMITTEE ON FAMILY POLICY: PARENTS AND CHILDREN

INTRODUCTION

The family, a basic cornerstone of our society, is the primary determinant of the attitudes, values, ambitions and achievements of the next generation. When the family becomes vulnerable, children are especially at risk; when this happens on a large scale, the community itself is endangered. Society has a vital stake in the rearing of the next generation, and it is therefore imperative that parents be given every opportunity to provide a stable environment for themselves and their children.

The Jewish community has an especially strong interest in the ongoing family policy debate because the family is central to Jewish continuity and identity. Policies and programs aimed at strengthening the family will, if successful, ultimately enhance its role as the anchor and transmitter of Jewish values, thereby ensuring a viable Jewish community as well.

We believe that the teachings of Jewish tradition with respect to family relationships, family responsibilities, and the relationship between the family and community can provide guidance not only for Jewish communal interests but also for the general family debate. The traditional Jewish emphasis on mutual respect between husbands and wives and mutual obligations between parents and children is appropriate as well for a society in which these same relationships are routinely subject to stress and fission.

The AJC Family Policy Task Force has chosen to focus its attention on issues facing parents and their preschool children. We fully recognize the need for ongoing studies and activities that will address other areas of family policy, such as: domestic violence and substance abuse; specific needs of the elderly, teenagers and school-age children; and issues surrounding adoption. We hope, moreover, that serious efforts to fashion appropriate policy in one area will encourage similar efforts in other areas. It is in this spirit that we analyze specifically the new patterns that have emerged with regard to parents and young children, and which call attention to the need for a coherent national family policy.

CURRENT TRENDS IN AMERICAN FAMILY LIFE

1. *Increase in maternal employment:* The idealized American household consisting of two parents, one of whom is the breadwinner and the other the primary caretaker, is becoming increasingly rare on the American scene. *By 1990, a majority (55%) of married mothers with children under six are expected to be in the paid labor force.*

2. *Increase in number of single-parent households:* Increases in the rate of separation and divorce have led to a rise in the number of families whose main breadwinner and sole nurturer is a single parent. *Today, close to 11 million children are being raised in single-parent homes, five million of them in households headed by an employed mother.* Forecasts indicate that nearly 70% of the children born in 1987 may expect to live in a one-parent household for some portion of their lives. In addition to the emotional consequences of divorce, changes in economic circumstances often constitute serious problems for family functioning.

3. *Increase in teenage pregnancies:* The rate of teenage pregnancies has risen to as many as *one million annually.* Thus, the number of children being raised by very young, unmarried and unemployed mothers has increased significantly.

4. *Geographic mobility:* The mobility of American families often places them at a geographic distance from extended family members, depriving parents and children of an important potential source of social support.

The magnitude and significance of the changes in American family life are not in dispute. Sharp disagreement, however, exists over the proper response. To date, societal institutions have not made appropriate adjustments to the new realities. We believe that all segments of our society are obligated to address the challenges posed by changing social conditions, for the well-being of the nation's children, families, and the communities in which they live.

GENERAL PRINCIPLES

In our effort to promote a coordinated set of public and private family policies that strengthen the value society places on its children, the American Jewish Committee is committed to the following principles:

1. Parents have primary responsibility for raising, nurturing, educating and socializing children, as well as for providing for the economic well-being of the family.

2. Given the difficult challenges that accompany parenting in general and the balancing of economic and family roles in particular, we feel that it is imperative to find ways to assist parents in their attempts to manage their various responsibilities.

3. The responsibility for safeguarding and strengthening the family ought to be shared by all major social institutions. Extended families, schools, synagogues and churches, communal agencies and institutions, corporations and businesses, and government agencies all have specific roles to play in support of the family.

4. Extrafamilial institutions affect the family in a variety of ways. We believe that such impact ought to *facilitate*, rather than replace, parental responsibility. We believe there is no necessary dichotomy between public involvement and individual responsibility. Rather, public policy should enhance the fulfillment of parental and family functions.

5. Family policy and/or programs should:

   a. recognize, reinforce and promote the underlying strengths of families, and maintain their viability;

   b. protect families who are at risk socially, economically and structurally, with appropriate preventive programs;

   c. recognize the need of individuals for self-fulfillment and esteem through meaningful and remunerative work;

   d. support families in periods of crisis, transition and role change -- such as those that accompany divorce or death of spouse, remarriage, job loss, unemployment, or job reentry;

   e. promote a wide range of private and public social programs designed to accommodate the needs of increasingly diverse family arrangements;

   f. reflect a recognition of human interdependence -- mutual responsibility of family members toward one another and of social institutions toward families.

JEWISH PRINCIPLES

The family has a special status in Jewish consciousness as the primary transmitter of our religious and cultural legacy and stronghold of continuing group identity, and as one of the few stable and enduring elements of a tumultuous Jewish history. The Jewish community has a particular stake in the current family policy debate. Moreover, the response of Jews to these issues, at the level of both ideology and practice, can make a contribution to the national debate on the family.

Jewish teaching offers many rich insights into family dynamics and the relationship between personal self-reliance and collective responsibility. Our tradition anticipated many of the problems we confront today and devised its own solutions. Examining current issues in the light of Jewish beliefs and attitudes can help delineate the distinctions between our traditional value system and current American values, and sharpen our understanding of the appropriate synthesis of the two.

1. *The centrality of the family*: In Jewish tradition the family is viewed as a framework for realizing a full Jewish life. Tradition has favored and supported marriage, while acknowledging individual freedoms and choices.

2. *The value of children*: A high priority has traditionally been assigned to bearing children as a religious value that is also tightly bound up with the Jews' historic

struggle and survival as a people. Children are a source both of joy and self-fulfillment, and caring for their needs is an integral part of the family system.

3. *The responsibility of parents and community*: The development of close mutual ties between parent and child is a basic feature of our heritage. Jewish tradition recognized the importance of maternal or maternal-like bonds during the crucial early years, and prescribed measures to fulfill that need. Fathers, too, have been expected to play an active role in the early nurturance, socialization and education of their children.

   Children have fundamental rights that include physical safety and security, as well as nurturance and education. If mothers or fathers fail to fulfill their responsibilities, the community is expected to see that children's rights are protected.

4. *The obligations of children*: By the same token, obligations of children toward parents, financial and personal, are strongly emphasized in Jewish law and ethics. Intergenerational bonds and mutual obligations play an important role in the dynamics of the Jewish family.

5. *Work as Jewish value*: The economic roles of parents have traditionally been viewed as means rather than as ends. Jewish tradition also underscores the value of work itself toward the enhancement of human dignity. Community and economic roles, therefore, strengthen family roles, rather than compete with them.

6. *The interrelatedness of family and community*: Traditionally, the Jewish community and the Jewish family have been closely intertwined and mutually interdependent. The community is expected to create structures that encourage formation and strengthen the family as a social system. In turn, the family is able to perform its role as a major socializing agent.

POLICY RECOMMENDATIONS

The principles outlined above -- both general and Jewish -- serve as the basis for family policy discussion and have guided our deliberations on the following issues and accompanying recommendations:

A. FAMILY-LIFE EDUCATION

Young adults face difficult life choices concerning marriage and family formation, often with little experience or concrete knowledge, and with few support networks to guide them. As a result, expectations of married life and partners may be based on unrealistic and romanticized notions that generate conflict and disappointment. Moreover, increasing options and legitimized choices have led many to postpone decisions concerning marriage and childbearing.

In keeping with our belief that the American social system as a whole ought to be concerned with strengthening and safeguarding the family as an institution, we strongly support educational programs aimed at creating a favorable climate and attitude toward marriage and family, including:

1. family-life education in various institutional frameworks, such as the family, schools, religious institutions and other communal settings; high-school curricular units to train young people for responsible decision-making concerning marriage and parenting. Such units ought to promote realistic expectations about marriage and an understanding of the factors that make for successful family relations;

2. training programs for clergy and other counselors aimed at giving them better skills to advise and respond to families in need and helping them provide programs on marriage and family concerns;

3. consultations with media agencies to promote a more realistic portrayal of marriage and family life in the popular culture.

B. CHILD CARE

The number of couples and single parents in the work force continues to climb. As a result, the pressure on private and public sectors to provide adequate and affordable child care is increasing, not only for preschool children, but for older children as well.

In keeping with our emphasis on parental responsibility, the divergent needs of families and the importance of maximizing choices for parents, we support a broad range of responses to work/family issues. We believe that the availability of alternative arrangements and options for working parents will facilitate individual choice in selecting suitable arrangements that best serve the unique needs of different families.

1. *Information and referral services*: As consumers of child-care services, parents require information and referral services. We would encourage a broader dissemination of information by synagogues and churches, communal agencies and institutions, corporations and businesses, and government agencies to provide parents with criteria for evaluating alternatives and making well-informed decisions. We also support steps that would allow communities and families to benefit from research findings on substitute care and evaluations of local day-care settings.

2. *Availability of alternative day-care arrangements*: There is a continuing need for more child-care providers and a greater variety of child-care settings. Providers, schools, synagogues and churches, communal agencies and institutions, corporations and businesses, and governmental agencies must become more sensitive to child-care needs and ensure that an adequate delivery system for high-quality day care, preschool programs, and parent-child centers is established.

3. *Preschool programs:* We support an expansion of early, age-appropriate, compensatory education and public preschool programs. Research indicates that such programs can have a positive impact on subsequent school adjustment and performance when based on an understanding of the developmental phases of infants and children.

4. *Quality day care*: Regulation and supervision of existing child-care systems are required to insure that they meet adequate standards. There is evidence that consistency of care arrangements, ongoing training of caretakers, low turnover of personnel, high adult-child ratios and parental involvement are key factors in successful programs. Opportunities for training and utilizing services of retirees in child-care settings should be maximized.

5. *Upgrading the job of caring for children*: We believe that if American society truly values the work of those who care for our children, be they parents or substitute caretakers, it should reflect that value by offering appropriate incentives and rewards to give this task the status it deserves. Special notice should be taken of local programs designed to remunerate early childhood educators on a par with educators in the public-school system. We also recommend upgrading training and career counseling in this field.

   The Task Force recognizes the need to acknowledge parents who opt to stay at home to care for young children. The current provisions of the Internal Revenue Code do not provide such acknowledgment. We favor consideration of mechanisms such as increased exemptions for young children, child allowances for parents who choose to provide their own child care, and other means of recognition, but only in the context of appropriate caps and limitations to avoid incurring additional deficits to the U.S. government.

C. WORK-RELATED POLICIES

In addition to substitute care, children require parents who can care for them even as they manage their work and personal lives. To this end, we support the following work-related options that, we believe, will help parents reconcile their simultaneous and often conflicting roles as workers and parents.

1. *Parental leave*: New parents need opportunities to become skillful at parenting, to redefine family roles, and to adjust to the changes a newborn introduces into the system. Therefore, we advocate continuing American Jewish Committee support for parental-leave legislation that would enable either parent to take time off from work in the aftermath of childbirth, adoption, or the serious illness of a family member.

2. *Alternative flexible-work schedules*: Time off from work is increasingly sought by parents in an attempt to juggle their multiple roles. Among the alternative scheduling options that we believe will benefit working parents and employers alike are the following:

   a. flexible-work scheduling as initiated by the federal government in 1979;

   b. voluntary reduced workweeks of 3-4 days;

   c. job-sharing teams;

   d. permanent part-time and home-based employment opportunities;

   e. flexible use of vacation, personal days and sick days for any purpose.

D. THE ECONOMIC HEALTH OF THE FAMILY

In keeping with our general principles, we believe that family policy should enable parents to provide adequately for the economic well-being of their families. We support innovative policies and programs that would strengthen the economic base of the family and protect the rights of children during periods of divorce, lengthy illness or death of a spouse, and in the transitional phases between unemployment and entry or reentry into the labor force.

Single parents and their children are particularly vulnerable to economic distress. Living conditions for single mothers and children have declined precipitously with the gradual elimination of alimony and the often inadequate levels of child support and its enforcement.

Some have argued that no-fault divorce has facilitated the ability of fathers to escape from a marriage without penalty and place the primary economic burden on their former spouses. We recognize that no-fault divorce has contributed to removing much of the hypocrisy and acrimony that often accompanied divorce proceedings, and we have no desire to reinstate procedures in which divorce was granted on the basis of the malfeasance of the offending spouse. However, we do perceive a need for policies or programs that would protect custodial parents and their children from undue economic stress.

Thus, we recommend the following:

1. consideration of intangible assets, especially career assets such as earned degrees and the value of the homemaker's contribution during the marital period, in the equitable distribution of property between the respective partners in divorce settlements;

2. consideration of spousal income in the determination of child-support awards, rather than basing it on a predetermined minimum standard of living for the custodial parent;

3. vigorous enforcement of child-support payments, including the adoption by states of procedures for withholding a percentage of the supporting parent's wages;

4. recognition of the ongoing moral obligation of divorced parents to support children pursuing a college and university education;

5. job training and continued education for custodial parents, as part of the divorce settlement, in order to facilitate entry or reentry into the workforce;

6. continued access, on a paying basis, to health-care benefits for families in transition, such as AFDC recipients, recently separated or divorced mothers, and women in the process of occupational transition.

E. CHILDREN HAVING CHILDREN

Among the factors often associated with the increasing rate of teenage pregnancy are: lack of knowledge about contraception, poor communication between parent and child, low personal goals and self-esteem, problems of identity, and mixed social messages and double standards for young men and women. Giving birth to a child satisfies a universal need for love and intimacy with another human being and is especially attractive to young people who perceive few alternative paths.

Given the multiplicity and complexity of precipitating factors, remedies to the problems associated with teenage pregnancies must be equally broad and comprehensive. Programs such as those suggested here may also prove effective in diminishing the incidence of sexually transmitted diseases. Thus we recommend the following:

1. Parents ought to bear primary responsibility for educating and informing their children about issues of sexuality and intimacy, and the consequences of out-of-wedlock childbearing.

2. Educational, religious and social institutions must also bear responsibility for helping parents to become effective educators regarding sexuality. They should supplement parental roles by disseminating information, when necessary, and providing settings for clarification and discussion of family values and sexual norms.

3. These institutions should develop programs to assist and support parents in developing skills to intervene with teenagers and preteens who are "at risk" of becoming pregnant.

4. Pregnant teenagers should receive adequate prenatal care, both to reduce the incidence of premature births and to insure healthier babies and healthier mothers. Research indicates that early intervention can save society significant sums in the long run.

5. For teenage mothers and fathers, we advocate support for programs that facilitate their continued attendance in school, offer training for effective parenting, and draw upon the resources of the extended community in order to provide positive role models and informal networks for them and their parents.

   Programs such as these are already under way. We recognize that they are costly, but we also underscore their importance as an investment in society's future health.

F. THE JEWISH COMMUNITY

Thus far, our recommendations pertain primarily to policies aimed at protecting the family unit and enhancing the role of parents. The underlying assumption is that policies aimed at supporting family processes have the potential to encourage Jewish family formation and to enhance Jewish identity in the home. In turn, policies and programs that promote Jewish identity and value formation contribute to the functioning of the family system.

Contemporary Jewish families have not been immune to the recent social changes that have profoundly affected family life and reshaped the structure of our communities. The Jewish community faces the serious challenge of developing appropriate responses to new and emerging communal needs among diverse groups. To this end, we advocate the development and expansion of programs aimed at enriching and supporting Jewish family life within the framework of the synagogue, community center and Jewish school.

1. *The Jewish family as an educational unit*: We believe that Jewish communal institutions ought to address the needs of the Jewish family as a unit -- from the prenatal period and infancy through adulthood and retirement. Inasmuch as the family is the setting for the transmission of Jewish identity, it is crucial that families participate in all phases of the life cycle. Moreover, Jewish education should be an integral part of all communal programs directed to families.

2. *Jewish singles*: We view Jewish singles as an important population for programs that create both a favorable climate toward marriage and family formation, where appropriate, and opportunities to establish Jewish social networks. Like other adults, Jewish singles face difficult choices concerning marriage and remarriage, family, and occupational or career development. Communal institutions should provide all Jewish adults with information, support and avenues for Jewish affiliation and identification.

3. *Jewish parents and children*: In the absence of the extended family and other traditional informal networks, expectant and new Jewish parents are often unprepared for the

challenges associated with their new roles. They require opportunities for developing the necessary skills, resources and support networks that are compatible with their value systems.

Education for family life in the context of Jewish institutions has the potential to fulfill a dual purpose. Exposure to Jewish values, customs and rituals enriches parenting skills and resources. By the same token, individuals secure in their child-rearing roles are well equipped, as socializing agents, to transmit Jewish values and a positive sense of Jewish identification.

Family-life education courses, parent-child centers, family counseling and other Jewish communal services provide appropriate settings for educating parents on how to incorporate aspects of the Jewish heritage into their homes.

4. *Single parents*: The Jewish community has a special responsibility to address the psychological consequences of divorce and widowhood for the family, and to help meet the emotional and social needs of parents and children in the aftermath of the family trauma. Particular emphasis should be placed on synagogue-based divorce mediation, a setting that allows divorcing couples to retain their own rights and dignity while cooperating for the welfare of their children.

   Moreover, the high cost of Jewish affiliation is often prohibitive for single-parent families and an obstacle to maintaining ties to the community at the very period when those ties are most important. We recommend that Jewish institutions provide reduced costs of affiliation to all needy families.

   Finally, information regarding the implications of civil divorce without a *get* should also be made available in the interests of facilitating Jewish remarriage.

5. *Jewish day-care and employment policies for working parents*: Jewish communal agencies, as service providers as well as employers, are in a position to respond to the issue of dependent and substitute care arrangements through direct child-care services or employment policies that provide greater flexibility for parents of young children. The provision of such services and arrangements by Jewish communal institutions (synagogues, community centers, day schools, etc.) would serve the dual purpose of supporting the needs of working parents and, at the same time, enriching Jewish family life. Jewish communal agencies ought to become models for innovative employment policies.

   Research indicates that Jewish day care has a positive impact on the identification and affiliation of other family members. There is also evidence that single Jewish parents and lower-income families are most likely to make use of day care. Thus, if the Jewish community meets the demand for high-quality day care by providing a model characterized by parental involvement that includes religious education and the development of a positive Jewish identity for young children, it may also enhance the Jewish identity of parents and their affiliation with the Jewish community.

6. *Intermarriage*: In an effort to create strong Jewish families and communities, we must also address the issue of intermarriage between Jews and non-Jews, which very often determines whether children are raised as Jews. Existing data indicate that conversion of the non-Jewish partner represents an important step toward promoting

conversion of the non-Jewish partner represents an important step toward promoting Jewish identification and ensuring that children of intermarriages are raised as Jews.

We recommend that each of the religious movements engage in vigorous outreach efforts to bring intermarried couples closer to the Jewish community and to encourage the conversion of non-Jewish spouses. All Jewish organizations, secular and religious, should explore settings and avenues to bring these couples closer to affiliation. AJC research has shown that the Jewish identity of the Jewish spouse and of his or her family of origin is the key variable in the success of outreach efforts.

POLICY GUIDELINES

As the family policy debate intensifies, initiatives proliferate from all political camps. In responding to programs and policies that affect parents and children, we will continue to support those that are consistent with the principles specified in this document and meet the following criteria:

1. Do the particular policies encourage family formation?

2. Do the proposed policies maintain the welfare of the child as primary?

3. Do the programs involve the sharing of responsibilities between the voluntary and public sectors?

4. Do the policies assume the primary responsibility of both parents for the welfare of their children (except, of course, in cases where parents cannot assume responsibility)?

5. Do the programs utilize to the maximum the resources of the extended family, synagogues and churches, community organizations and workplaces before turning to government resources?

6. Do the programs have reasonable funding sources, and are they economically viable?

7. Do the programs promote the economic self-sufficiency of the family unit?

8. Do the programs utilize opportunities for transmitting Jewish content and generating involvement among unaffiliated groups within the Jewish community?

CONCLUSION

We have sought to articulate principles and general criteria for family policy and to enter the national debate by focusing upon programs and policies that affect parents and young children. We reiterate our hope that future task forces and programmatic activities will focus upon the many other areas of family policy that have remained beyond the scope of our discussion, such as those relating to domestic abuse and the needs of the elderly and

Our experience indicates that family policy is best addressed by several departments within the American Jewish Committee, working cooperatively rather than independently of one another. We recommend that follow-up programming be concentrated within one address at the AJC, while drawing upon the entire range of agency talents and resources.

-- Adopted at the National Executive Council of the
American Jewish Committee,
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